

BEFORE THE CIVIL SERVICE COMMISSION  
OF THE COUNTY OF LOS ANGELES  
JOSEPH SCULLY, HEARING OFFICER

IN THE MATTER OF THE DISCHARGE, )  
EFFECTIVE SEPTEMBER 14, 2016, OF: )  
CAREN MANDOYAN, ) CASE NO. 16-276  
FROM THE POSITION OF DEPUTY, )  
SHERIFF'S DEPARTMENT, )  
Appellant. )  
\_\_\_\_\_ )

TRANSCRIPT OF PROCEEDINGS

Los Angeles, California

Wednesday, July 26, 2017

Reported by:  
LYNNE M. ALONZO  
HEARING REPORTER

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THE CIVIL SERVICE COMMISSION  
OF THE COUNTY OF LOS ANGELES  
JOSEPH SCULLY, HEARING OFFICER

IN THE MATTER OF THE DISCHARGE, )  
EFFECTIVE SEPTEMBER 14, 2016, OF: )  
CAREN MANDOYAN, ) CASE NO. 16-276  
FROM THE POSITION OF DEPUTY, )  
SHERIFF'S DEPARTMENT, )  
Appellant. )  
\_\_\_\_\_ )

Transcript of Proceedings, taken at  
500 W. Temple Street, Los Angeles, California,  
Room 383, beginning at 9:00 a.m. and ending  
at 4:32 p.m. on Wednesday, July 26, 2017,  
heard before JOSEPH SCULLY, Hearing Officer,  
reported by Lynne M. Alonzo, Hearing Reporter.

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APPEARANCES:

For the Department:

SHERIFF'S DEPARTMENT ADVOCACY UNIT  
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For the Appellant:

BY: MICHAEL A. GOLDFEDER, ESQ.  
6th Floor  
El Segundo, California 90245  
310-374-7011  
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Also present:

Peter Bollinger  
Lieutenant Chad Smeltzer

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I N D E X

DEPARTMENT'S  
WITNESSES:

DIRECT

CROSS

REDIRECT

RECROSS

[REDACTED]

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121

APPELLANT'S  
WITNESSES:

DIRECT

CROSS

REDIRECT

RECROSS

[REDACTED]

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[REDACTED]

221

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240

E X H I B I T S

DEPARTMENT'S  
EXHIBITS:

MARKED FOR  
IDENTIFICATION

RECEIVED  
IN EVIDENCE

(None)



1 Los Angeles, California; Wednesday, July 26, 2017

2 9:00 a.m.

3  
4 HEARING OFFICER SCULLY: All right. We're back  
5 on the record in the Matter of Caren Mandoyan,  
6 Case No. 16-276. And all parties are present.

7 I think we're going to take -- we're still in the  
8 Department's case. Our last witness was [REDACTED] and,  
9 we finished him. So I think the Department is going to  
10 call a witness -- we're going to take another witness out  
11 of order.

12 It's one of the Appellant's witnesses; is that  
13 right?

14 MR. GOLDFEDER: Correct, Your Honor. We'll be  
15 calling [REDACTED] to the stand.

16 HEARING OFFICER SCULLY: Okay. And what's the  
17 person's name?

18 MR. GOLDFEDER: [REDACTED].

19 HEARING OFFICER SCULLY: How do you spell that?

20 MR. GOLDFEDER: I spelled it wrong. So  
21 apparently [REDACTED].

22 HEARING OFFICER SCULLY: Okay. Slow.

23 MR. GOLDFEDER: [REDACTED].  
24 The first name is [REDACTED].

25 Oh, that's wrong?

1 MS. [REDACTED]. One  
2 word.

3 HEARING OFFICER SCULLY: Got it. [REDACTED]. Okay.  
4 [REDACTED], can you please have a seat there.  
5 And before you sit down raise your right hand.

6  
7 [REDACTED],  
8 produced as a witness, and having been first duly sworn by  
9 the Hearing Officer, was examined and testified as  
10 follows:

11  
12 THE WITNESS: I do.

13 HEARING OFFICER SCULLY: Thank you. Have a seat  
14 and state and spell your name one more time just to make  
15 sure the court reporter has it.

16 THE WITNESS: [REDACTED]  
17 [REDACTED], one word, [REDACTED].

18 HEARING OFFICER SCULLY: Okay. Thank you.  
19 Counsel.

20 MR. GOLDFEDER: Thank you, Your Honor.

21  
22 DIRECT EXAMINATION

23  
24 BY MR. GOLDFEDER:

25 Q Good morning, [REDACTED].

1           A    Good morning.

2           Q    Where are you employed?

3           A    Los Angeles County Sheriff's Department.

4           Q    Okay.  How long ago were you hired at L.A. County  
5 Sheriff's Department?

6           A    Approximately 29 years.

7           Q    Could you walk us through briefly your  
8 Departmental experience, starting with the academy you  
9 went through.

10          A    I was in the academy, Class 249, back in 1988.  I  
11 then transferred to Sybil Brand.  I went to Carson  
12 Sheriff's Station in 1992 where I was a field training  
13 officer station detective, then transferred to academy  
14 staff from '95 -- '97 to 2000.  And then promoted to  
15 sergeant, where I went to Walnut for a short stint.  
16 Several months later I moved to Compton Sheriff Station,  
17 this was in 2005, I worked there for five years.

18               Then I transferred to North Facility, where I  
19 promoted as a lieutenant in 2006.  And then 2007 or so, I  
20 promoted -- transferred from North to West Hollywood.  I  
21 worked there for about five-and-a-half years.  Then in  
22 2015 -- '13 I coveted testing unit, and I was there for  
23 about two years.  Then I transferred to -- what's that  
24 units called -- Community Partnership Bureau or something  
25 of that nature.  And I was there for a year and currently

1 at Central Property and Evidence for the last year.

2 Q And during the time on the Department, were you  
3 actually a drill instructor with the Los Angeles County  
4 Sheriff's Department?

5 A Yes, I was, sir.

6 Q So in that capacity responsible for training and  
7 documentation of brand new people who are becoming deputy  
8 sheriffs?

9 A That's correct.

10 Q Could you tell me just approximately how many  
11 different academy classes you were on staff for?

12 A Well, I was there for three years. So I don't  
13 have a number in mind but --

14 Q Let me put it to you this way. You probably had  
15 several thousands of cadets coming through during your  
16 tenure out there?

17 A I had quite a few cadets.

18 Q Okay. That includes outside agencies as well as  
19 L.A. Sheriff's Department personnel?

20 A Yes.

21 Q Okay. Both male and female?

22 A Yes.

23 Q Okay. And you have a basic POST certificate?

24 A I do.

25 Q Okay. Intermediate POST certificate?

1           A    Yes.

2           Q    Advance POST certificate?

3           A    Yes.

4           Q    Okay.  And what does the acronym P-O-S-T stand  
5 for?

6           A    I couldn't tell you that because I don't  
7 remember.

8           Q    Okay.  Would it help refresh your recollection if  
9 I give it to you?  It's the Police Officer Standard and  
10 Training out of Sacramento?

11          A    Yes, that's correct.

12          Q    Okay.  To attend an advanced certificate -- POST  
13 certificate, what's required for that level?

14          A    It's time and education.  Pretty much, that's it.  
15 It doesn't -- so much where you go to work, but your time,  
16 how long you've been on the Department.  And then you  
17 could apply for your different degrees -- not degree --  
18 different POST certificates.

19          Q    Do you any supervisory POST certificates?

20          A    I do.

21          Q    Okay.  Any other POST certificates in addition to  
22 that?

23          A    I went to a Lieutenant's Management Course.  So I  
24 don't think that shows, but I do have that.

25          Q    Okay.  Have you ever attended the Sherman Block

1 Leadership Course?

2 A Yes.

3 Q Okay. What other Departmental and/or POST  
4 courses have you attended during your career as a member  
5 of the L.A. County Sheriff's Department?

6 A Well, as a lieutenant you have to go to a -- when  
7 you become a supervisor is when you go to Sherman Block,  
8 and you attend the lieutenant's -- it's the inter medial  
9 management course that you take. So I've attended that.

10 Q Do you have recollection of how long the Sherman  
11 Block Leadership course was?

12 A I thought it was three weeks.

13 Q Okay. And because part of all that supervisory  
14 training, does that give you a better insight into how to  
15 manage and oversee personnel and subordinates as part of  
16 your duties as a lieutenant?

17 A Yes.

18 Q Okay. And during the time period at West  
19 Hollywood Station, did you come in contact with a Deputy  
20 Sheriff [REDACTED] ?

21 A I did.

22 Q Okay.

23 HEARING OFFICER SCULLY: Can I have the years she  
24 was at West Hollywood, please?

25 MR. GOLDFEDER: Yes.

1 BY MR. GOLDFEDER:

2 Q What years did you work at West Hollywood? I  
3 wrote down 2007 to 2013; is that correct?

4 A Yes. About five-and-a-half years.

5 HEARING OFFICER SCULLY: Thank you.

6 BY MR. GOLDFEDER:

7 Q What recollection do you have of Deputy Sheriff  
8 [REDACTED] when you were working over at West Hollywood  
9 Station as a lieutenant?

10 A She was a trainee at that time. And she  
11 wasn't -- she wasn't well received by her peers. She  
12 wasn't a team player.

13 Q Okay. When you say "She wasn't well received by  
14 her peers and a team player," could you expound on that?  
15 What do you mean by that?

16 A Yes. Normally you come in -- when you go on  
17 patrol training, it's usually with a group of trainees.  
18 And the trainees generally work together to get off  
19 training successfully. And when you're on training,  
20 different supervisors or training officers would talk or  
21 make a mention or you just kind of watch and observe. And  
22 I didn't get that from her.

23 Q Are you familiar with the term deputy sheriffs  
24 and other personnel use on the Department, referred to as  
25 "salty"?

1           A    Yes.

2           Q    Okay.  What does that term mean to you as a  
3 lieutenant?

4           A    That you think you've been around for an extended  
5 period of time.  That you think you know everything, and  
6 you're above being told how to do things in a proper  
7 manner or correction, accept -- willing to accept  
8 correction.

9           Q    Would you have associated that term "salty" with  
10 Deputy Sheriff [REDACTED] when she came to West  
11 Hollywood Station as a trainee?

12          A    I would.

13          Q    Okay.  And the term salty is that more along the  
14 lines of people think they know something when they really  
15 haven't developed a building block of experience or  
16 knowledge to really be considered experienced?

17          A    Yes.

18          Q    Okay.  When someone comes to the station as a  
19 patrol trainee, are they given a field training officer?

20          A    They often are.

21          Q    Are you familiar with Deputy Sheriff  
22 Caren Mandoyan?

23          A    I am.

24          Q    Okay.  And where do you know Deputy Sheriff  
25 Caren Mandoyan from?



1           A    I'm sorry. Can you repeat that.

2           Q    Where do you know Deputy Sheriff Caren Mandoyan  
3           from?

4           A    West Hollywood Sheriff's Station.

5           Q    Okay. Was he out there, during the time period  
6           that you were there, as a field training officer?

7           A    He was.

8           Q    Okay. And at some point did Caren Mandoyan  
9           become a field training officer for Deputy Sheriff [REDACTED]  
10          [REDACTED]?

11          A    Yes.

12          Q    Okay. Was he her first field training officer?

13          A    No.

14          Q    Do you remember approximately how many field  
15          training officers [REDACTED] had before she was assigned  
16          to Deputy Sheriff Caren Mandoyan?

17          A    If I'm not mistaken, two.

18          Q    Okay. Is it commonplace for a trainee to have  
19          multiple training officers?

20          A    It can. Normally, they're -- well, in my  
21          experience when I was a training officer, we were kind of  
22          watched along with two training officers. And it kind of  
23          varies whether or not the training officer and the trainee  
24          have a solid working relationship, because sometimes you  
25          may not.

1           And then you may be transferred depending on  
2           circumstances. Whether or not you're successful on  
3           training or you're having some difficulties, you may be  
4           shifted between training officers. So yes, you can have  
5           more than one or two or three.

6           Q    Okay. Was it your experience or your opinion  
7           that Deputy Sheriff [REDACTED] had more than one  
8           training officer based upon her attitude and not being a  
9           team player when she arrived at the station?

10          A    I can't say whether it was based on those things.  
11          Probably more so that she probably didn't get along as  
12          well with some of the other training officers.

13          Q    So personality conflicts or whatever in nature?

14          A    Yes.

15          Q    Okay. And is it the custom and habit of the  
16          Department to try to create an environment whereby deputy  
17          sheriffs can succeed and move on in their careers?

18          A    Yes.

19          Q    How would you characterize Caren Mandoyan as a  
20          field training officer back during the time you were at  
21          West Hollywood Station?

22          A    Deputy Mandoyan was very knowledgeable, patient.  
23          He's a facilitator and teacher. That's what he is at  
24          heart. And because of his background and experience as a  
25          training officer having worked some of the faster stations

1 at South Los Angeles prior to, as a result, having some  
2 experience in teaching and mentoring, you know, young  
3 students, he was sought -- we sought him out to correct  
4 some of the deficiencies of the trainees.

5 Q So would he be considered if there was any kind  
6 of pecking order or ranking that he would, you know, the  
7 top or one of the top training officers at West Hollywood  
8 Station during the time period you were there?

9 A Yes.

10 Q Okay. And when Deputy Mandoyan was assigned to  
11 Deputy [REDACTED], was she doing well in her training at  
12 that point?

13 A I don't know the specifics of her training, how  
14 well she was or was not doing. But I know she was put  
15 with him to get her off training.

16 HEARING OFFICER SCULLY: Can I -- can you ask  
17 what was Lieutenant's role or job? Was she a lieutenant  
18 in 2007 to 2013? Because that wouldn't have been as a  
19 field training officer. That would have been a  
20 lieutenant, more of a supervisor position.

21 THE WITNESS: That is correct, sir.

22 HEARING OFFICER SCULLY: So what was your role?

23 THE WITNESS: I was a lieutenant watch commander.

24 HEARING OFFICER SCULLY: You're the watch  
25 commander?

1 THE WITNESS: Yes.

2 HEARING OFFICER SCULLY: Okay. Would there be  
3 two watch commanders, like, day and night? Or three?

4 THE WITNESS: It would be our -- you could have a  
5 day-shift watch commander or a night-shift watch  
6 commander.

7 HEARING OFFICER SCULLY: Okay. So your role  
8 would be to oversee the whole watch, not including the  
9 field training officers, the watch sergeants, and  
10 everybody at the station?

11 THE WITNESS: Yes, at night. And that's the  
12 shift I worked in. The entire station is yours, or the  
13 watch commander's, for oversight and supervision and  
14 management.

15 HEARING OFFICER SCULLY: All right. Thank you.  
16 BY MR. GOLDFEDER:

17 Q And as part of your supervisory duties, you are  
18 responsible for all the personnel on your particular  
19 shift?

20 A That's correct.

21 Q Okay. And as far as Deputy Mandoyan, would he be  
22 considered one of the higher ranking or better field  
23 training officers during the time you were out there?

24 A Yes.

25 Q Okay. Would it be customary for Deputy Mandoyan

1 to be given trainees that might be having difficulties or  
2 problems with other training officers?

3 A Yes.

4 Q Okay. Do you have a recollection of [REDACTED]  
5 [REDACTED] progress on training when she was with  
6 Deputy Mandoyan?

7 A Well, she seemed to do well. Like I said before,  
8 he's a teacher, facilitator. So she seemed to be  
9 grasping. From the point that he got her, I know there  
10 was some deficiencies she was having where, initially, she  
11 was moved back in steps. You have certain steps or phases  
12 that you go through training. You have phase one, two,  
13 and three. And depending where you are, you eventually  
14 want to be phase six and sign off training.

15 Q So she was moved back?

16 A Yes.

17 Q And deficiencies were rectified and corrected  
18 with Deputy Mandoyan?

19 A Yes.

20 Q Okay. And as part of this process, did you have  
21 any observations yourself as to, say, personal progress of  
22 Deputy Sheriff [REDACTED] in the areas of becoming more  
23 of a team player and getting along better with other  
24 trainees and other individuals at West Hollywood Station?

25 A I would say she worked well with Caren. I would

1 say that from my observations she -- I didn't see that.  
2 I've never seen that in her because Caren was able to give  
3 her some knowledge and direction.

4 Q So she never really became more of a team player  
5 interacting with other people at the station?

6 A No.

7 HEARING OFFICER SCULLY: Sorry. Your question  
8 was: She never became more of a team player? Was that  
9 your question?

10 MR. GOLDFEDER: Yes.

11 HEARING OFFICER SCULLY: And the answer was  
12 negative. She did not.

13 THE WITNESS: Yeah. I didn't see that.

14 HEARING OFFICER SCULLY: Okay. So even after  
15 Field Training Officer Caren Mandoyan was assigned, still  
16 [REDACTED] did not become more of a team player.

17 THE WITNESS: No. I don't think she did.

18 HEARING OFFICER SCULLY: Okay. Thank you.

19 BY MR. GOLDFEDER:

20 Q So the role of the training officer is to  
21 indoctrinate the training; how to handle a radio call,  
22 reports, arrest of individuals, bookings, things of that  
23 nature?

24 A Yes.

25 Q Okay. So training officer is not there to

1 facilitate or change anyone's personality?

2 A No, because they can't. They can help move her  
3 in a direction or a training in a direction that is more  
4 positive. But in the end she played the game long enough  
5 to get off training. She learned the material that she  
6 needed to get off training.

7 Q So would it be a correct statement, Lieutenant,  
8 to say that she did the minimum requirements to get off  
9 training but never really blended in and became a cohesive  
10 part of the particular unit?

11 A That is correct.

12 Q Okay. Had you ever encountered other deputy  
13 sheriff personnel with those same types of deficiencies  
14 during the time period you have been in the Department?

15 A Oh, yes.

16 Q Okay. When trainees come out to West Hollywood  
17 Station during the timeframe you were there in 2007 to  
18 2013, did you have any discussions with trainees before  
19 they went out with their training officers as far as  
20 expectations and things of that nature?

21 A With some, yes.

22 Q Okay. Did you ever have a discussion with  
23 Deputy Sheriff [REDACTED] in that regard?

24 A I don't recall if I necessary had that  
25 conversation with her. We worked opposite sides for most

1 of the week. So most of my contact, when she was on our  
2 side, was far and few in between.

3 Q Okay. Did you ever hear any commentary from any  
4 of the supervisory staff at West Hollywood Station in  
5 regards to Deputy Sheriff [REDACTED] while you were  
6 assigned at West Hollywood?

7 A I did.

8 Q Okay. And what type of comments would you hear  
9 in regards to Deputy Sheriff [REDACTED]?

10 A That she was unfavorable. The comments were  
11 unfavorable. She wasn't a team player. She lacked -- she  
12 lacked some skills to be successful initially. They were  
13 thinking about maybe she has to remediate in her training.  
14 Then ultimately she just wasn't a nice professional  
15 person. She lacked integrity.

16 Q When you say she lacked integrity, does that mean  
17 she was untrustworthy? Or how do you define that?

18 A Well, she certainly wasn't loyal to the  
19 Department. She certainly wasn't trying to get to work on  
20 time. You know, you hear every excuse as a supervisor as  
21 to why I can't be -- why I can't do something.

22 Q So, essentially, she would not be on time for her  
23 shift?

24 A That's correct.

25 Q Okay. Did she have excessive absences in your



1 opinion?

2 A After training or --

3 Q Let's start off with during training.

4 A I don't recall during training. After training  
5 she would miss some days or more.

6 Q So was that consistent with what you stated  
7 earlier, someone doing the minimum qualifications to get  
8 off training? And, "Now that I'm off training, I'll just  
9 go ahead and call in sick and do what I want at that  
10 point?"

11 A Yes.

12 Q Okay. Has it been your experience that a lot of  
13 trainees take that approach?

14 A No. No. Not at all. Most of people once they  
15 get off training, they have these desires to prove  
16 themselves that you can do the job. So you're going to  
17 work hard. You're gonna try and make those arrests. And  
18 I always tell them, "You don't want to go back to the  
19 call. So handle the call to conclusion."

20 Q And calls, meaning field service? Those kind of  
21 calls?

22 A Yes. Well, there's a call -- take a burglar  
23 report. Don't try to kiss the report off. It takes you  
24 half an hour to kiss the report off, and you can write it  
25 in ten minutes.

1           Q    Is it correct to say that most trainees in your  
2   experience when they get out of training, they want to do  
3   well in their career to become a field training officer  
4   themselves and maybe become a supervisor and move on in  
5   their career professionally?

6           A    Yes.

7           Q    Okay. Did you detect any type of professional  
8   development and initiative on the part of [REDACTED]  
9   during the time period you observed her when she was off  
10  training?

11          A    No.

12          Q    Okay. And that was reflective in not only her  
13  absences, but her overall behavior in not being a team  
14  player?

15          A    Yes.

16          Q    Okay. When you say "She's not loyal to the  
17  Department," can you give us a little broader perspective  
18  of that.

19          A    Loyal. Dedicated. A person comes into work on  
20  time. They complete their task in an appropriate manner.  
21  There's a sense of wanting to be there, a sense of pride.  
22  And I didn't see that in her.

23          Q    So when someone is off training, there's an  
24  expectation that they're not going to fall below the  
25  standard they're required to utilize to get off training.

1 Is that a fair statement?

2 A Yes.

3 Q Okay. And in this case, now this employee is  
4 taking off excessive time, coming to work late, still not  
5 becoming a team player, not weaving themselves into the  
6 fabric of the station that you can understand as a  
7 supervisor in your career since 1988?

8 A Yes.

9 Q Okay. I know you've been a supervisor longer  
10 than you were deputy sheriff. Did you come in contact  
11 with quite a number of various deputy sheriffs during your  
12 tenure?

13 A I have.

14 Q Okay. How often do you see this type of behavior  
15 in subordinate personnel?

16 A Maybe in Generation X, so a lot now.

17 Q Okay.

18 A But I've seen it. And not -- not a lot. I mean,  
19 it comes in sparingly and it comes in waves, but I have  
20 seen it.

21 Q Did you or anyone else over at West Hollywood  
22 Station have a sit-down discussion with [REDACTED] about  
23 her, you know, her excessive tardiness or things of that  
24 nature?

25 A I personally didn't. I may have had a

1 conversation with her asking her to -- the perception that  
2 she gives. And this would have been towards the latter --  
3 before I left, or thereabouts. I don't know if she was  
4 training at that. I think she was probably off training,  
5 more or less, and to show up just as a deputy sheriff and  
6 not just be there.

7 Q As a successful lieutenant yourself on this  
8 Department and going across 29 years of experience, do you  
9 have expectations of female deputy sheriffs in  
10 differentiation from, let's say, male deputy sheriffs?

11 A Oh, I do.

12 Q Okay. And what are your expectations of female  
13 deputy sheriffs in that regard?

14 A As a female on an organization that's male  
15 dominant, we are judged solely just because we're females  
16 on how poor or on how well we perform. Our character is  
17 defined by how we treat others and what we do. Not what  
18 we can use to obtain a position, but by our work skills  
19 and our knowledge and that as such, use the term "show up  
20 to work."

21 Don't come to work just, "Oh, I got a uniform  
22 on." Wear it proudly and do the best job that you can do.  
23 And you may have been taught to do better or show that you  
24 have better skills than the men because we're always  
25 considered weaker than a male or less proficient. And I

1       expect a woman to -- to work hard and obtain a position on  
2       their merit.

3           Q     And based upon the timeframe that you've alluded  
4       to in your Departmental background, it requires a level of  
5       achievement and effort and dedication to become a field  
6       training officer. Is that a true statement?

7           A     It does.

8           Q     Okay. And at the time you became a field  
9       training officer, was it still considered a select few  
10      females that are able to achieve that level on the  
11      Department?

12          A     Yes.

13          Q     Okay. And as you've pointed out, the academy  
14      staff who've indoctrinated the training of brand new  
15      cadets, is that considered a prestigious position for  
16      anyone?

17          A     Yes.

18          Q     Okay. Is that a position that is not held by too  
19      many female employees on the Sheriff's Department?

20          A     Yes.

21          Q     Okay. Is that considered quite an accomplishment  
22      in your estimation?

23          A     It is.

24          Q     Okay. And all the way through the ranks, had you  
25      had occasion to discuss the expectations that you yourself

1 have, based upon all your expertise and leadership  
2 courses, on how female personnel should behave and  
3 function on this organization?

4 MS. ROAM: I'm just going to object on relevance  
5 unless she had this discussion with [REDACTED].

6 HEARING OFFICER SCULLY: Can I have the question  
7 read back, please.

8 (The record was read.)

9 HEARING OFFICER SCULLY: The question is a little  
10 complex. I can't understand it from beginning to end.  
11 I'm going to sustain the objection.

12 Can you re-ask that and break it down a little  
13 bit.

14 MR. GOLDFEDER: Certainly, Your Honor.

15 BY MR. GOLDFEDER:

16 Q You have quite an impressive background on the  
17 Department for any individual. Would that be a fair  
18 statement, Lieutenant?

19 A Yes.

20 Q Okay. And because of the position of yourself  
21 and the background you've gone through as a female, is it  
22 your opinion that you have something to offer other  
23 females starting off early in their career?

24 A Yes.

25 Q Okay. Have you had occasion to offer your

1 insight as to what you've experienced the 29 years you've  
2 had on the Department to other female deputy sheriffs,  
3 sergeants, or lieutenant personnel?

4 A Yes.

5 Q Okay. And have you done that with individuals  
6 during your 29 years?

7 A Yes.

8 Q Okay. Did you ever attempt to have a  
9 conversation with Deputy Sheriff [REDACTED] to relate  
10 your experience and your expectations of females?

11 A We had a conversation but it was brief. I gave  
12 her not the full expectation, but what she needs to do.  
13 What she should do.

14 Q Can you tell us about how that conversation  
15 occurred? Was that in passing in the hallway, or did you  
16 have the person come to your office?

17 A I think an arrest was ran or -- I can't remember  
18 the onset, but it was in my office. And she shared some  
19 things with me, personal matters. And I just told her,  
20 "That can't be your crutch in life, whether it's in life  
21 or on the Department. And there are certain things that  
22 you have to do to be better than where you are sitting  
23 because it will reflect in your work."

24 And then I kind of went on with my spiel. It was  
25 a very short conversation, but that was it.

1 Q So she's running an arrest by you as part of --

2 A I can't remember if that was it or if she just  
3 came in because sometimes people just come into the  
4 office. This was, you know, a few years ago.

5 Q Was this just between you and her with the door  
6 shut? Was anyone else present?

7 A No. It was just she and I.

8 Q Okay. And do you feel comfortable, you know, at  
9 times when personal matters are shared with you? Or is it  
10 something you prefer not to talk about?

11 A I --

12 Q I don't want to invade any privacy issues that  
13 you might have in discussing with personnel of things of  
14 that nature. That's just why I'm asking first.

15 A I think it was just something that happened to  
16 her in her past. I don't think it's appropriate to  
17 discuss.

18 Q That's fine. And was the gist of your  
19 conversation with her at that point, after receiving this  
20 private information, to relate to her that whatever  
21 happened in the past is the past. "You can't be using  
22 this as a crutch throughout the Department." Is that the  
23 tone and tenor of what you were trying to impart to her?

24 A That's correct.

25 Q Okay. Did you get a sense that your statements



1 and comments to her had any kind of impact based on her  
2 body language or any verbiage that she stated to you?

3 A She's a con artist. So I think she just -- she  
4 was saying -- and give expressions. That's just my feel  
5 of her. I've never been -- I've watched her when I'd go  
6 into the locker room, and she would be leaving. It's just  
7 a different air about her. Something that I didn't  
8 particularly care for.

9 Q And during the time period you're working patrol  
10 over Carson and various other assignments, and you would  
11 come across victims, witnesses, suspects that you would  
12 interview as part of your job as a patrol deputy?

13 A Yes.

14 Q Okay. Did you have people lie to you and  
15 misrepresent events and facts?

16 A Yes.

17 Q Okay. When you say con artist, is that a term  
18 you use for Departmental personnel, or just people that  
19 are not being truthful or upright with you?

20 A Just people in general. It has nothing to do  
21 with the Department.

22 Q Okay.

23 A I know when a person is trying to be honest with  
24 you. A person might have events in their life, and you  
25 can tell when it affects them, and you can tell when a

1 person is using something for an advantage.

2 Q And did you get the impression that  
3 Deputy Sheriff [REDACTED] was trying to utilize this  
4 event from the past to gloss over her performance as far  
5 as being late and not being a team player?

6 A I think she was using it to whatever advantage  
7 she thought she could, just in terms that "This happened  
8 to me. This is why I kind of say and do certain thing."  
9 So, yes.

10 Q Was it also your impression that she provided  
11 this information to you to pass along onto other  
12 individuals at the station in a supervisor capacity to  
13 somewhat insulate her behavior and conduct?

14 A I -- I don't know.

15 MS. ROAM: You know, I would object to that. I  
16 think that calls for speculation.

17 HEARING OFFICER SCULLY: Well, I think your  
18 right, but the Lieutenant rightly answered she doesn't  
19 know.

20 MS. ROAM: She was quicker than I was.

21 HEARING OFFICER SCULLY: So you can go ahead.

22 BY MR. GOLDFEDER:

23 Q When you say someone is a con artist at this  
24 stage of a deputy sheriff's career, would you expect that  
25 trait of being a con artist to stay with that individual?

1           A    It's going to.  You are either manipulated -- a  
2   con artist is a person that manipulate people to get them  
3   to do what they want, or what have you.  That's -- if  
4   you're that way when you come in, you're -- unless you've  
5   had a revelation and walk with Christ, you know, you're  
6   not going to change that.

7           Q    If you had input -- let me just ask this as a  
8   foundational question.  Did you have input in selection of  
9   field training officers during your time at West Hollywood  
10   station?

11          A    Yes.

12          Q    Would you have made a recommendation, in fact,  
13   during the timeframe when Deputy Sheriff [REDACTED] was  
14   there to become a training officer?

15          A    No.

16          Q    Okay.  You would not recommend her?

17          A    No, I would not recommend her.

18          Q    Did anyone ever reach out to you about potential  
19   field training officers and deputy [REDACTED] would have  
20   been on a list of -- give us your insight or impressions.

21          A    No.

22          Q    So, generally, when individuals were made field  
23   training officers, was there some type of little  
24   questionnaires sent around to the supervisors in that  
25   station as to who you would think would be good for this

1 position, or someone that could actually do that job?

2 A At this particular time, yes. That is before we  
3 had coveted testing in its full rush, but, yes.

4 Q And at no time during that sequence, would you  
5 ever had thought that she would even be considered for  
6 that position?

7 A I would never recommend her for field training  
8 officer.

9 Q Okay. Do you have any knowledge of  
10 Deputy Sheriff Mandoyan outside of his role as a field  
11 training officer for the Sheriff's Department?

12 A I'm sorry. I don't think I understand the  
13 question.

14 Q Do you know Deputy Mandoyan as far as any social  
15 activities?

16 A Yeah. We've gone out to lunch with our team --  
17 our early morning team. We'd go out to eat occasionally  
18 but not --

19 Q So basic job-related functions?

20 A Yes.

21 Q Okay. So instead of having a meal at the  
22 station, you guys would go to the local restaurant with  
23 the entire shift or whatnot? Things of that nature?

24 A Yes.

25 Q Okay. Transfer parties and stuff like that?

1           A    I don't attend transfer parties.

2           Q    Okay.  You expect personnel in the Department to  
3 be loyal to the Sheriff's Department?

4           A    Yes.

5           MR. GOLDFEDER:  I have nothing further.

6           HEARING OFFICER SCULLY:  Okay.  Thank you.

7           Any cross-exam?

8           MS. ROAM:  Yes, sir.

9

10                                   CROSS-EXAMINATION

11       BY MR. GOLDFEDER:

12           Q    Is it [REDACTED]?

13           A    [REDACTED].

14           Q    [REDACTED], were you subpoenaed to  
15 testify today?

16           A    Yes.

17           Q    And did you notify anyone on the Department that  
18 you had received a subpoena?

19           A    No.

20           Q    Have you and I met before today?

21           A    I don't think so.

22           Q    Okay.  And have you met with Mr. Goldfeder or any  
23 representative from his office prior to today?

24           A    No.

25           Q    Have you talked to anyone from Mr. Goldfeder's

1 office?

2 A No.

3 Q And --

4 MR. GOLDFEDER: Just before we go on, I'll  
5 represent I'm the only person in the office.

6 MS. ROAM: You are the office. Okay.

7 BY MS. ROAM:

8 Q And when was the last time you talked to the  
9 Appellant here, Caren Mandoyan?

10 A Gosh, I think I've talked to him maybe -- I  
11 texted him a couple of months ago, "How are you doing?"

12 Q Okay. And prior to a text a couple of months ago  
13 about "How you are doing," when did you talk to him prior  
14 to that?

15 A We were speaking, I mean, very seldom. Very few  
16 and far between.

17 Q Okay. Were you aware that he had been discharged  
18 from the Sheriff's Department?

19 A Yes. That's, you know, a rumor. You know how  
20 they go around.

21 Q Okay. Did the Appellant talk to you about why he  
22 was discharged?

23 A He just said that there was some issues, and  
24 that's pretty much it. I try -- I don't ask him that. We  
25 were conversing about his well-being and "How are you

1       doing?"   And "Seek a higher Being for your mind-set."

2           Q    Okay.  When the Appellant would talk to you, did  
3   he ever talk about Deputy [REDACTED]?

4           A    We didn't discuss -- she wasn't a topic of  
5   conversation.

6           Q    Okay.  So she wasn't a topic that he brought up?

7           A    No.

8           Q    Now, when you worked with [REDACTED] at West  
9   Hollywood -- correct me if I'm wrong, but you testified  
10   you left West Hollywood in 2013; is that correct?

11          A    Thereabouts, I think.

12          Q    Okay.  Do you know when in 2013?

13          A    I think in February, maybe.

14          Q    Okay.  Do you know if that was around the time --  
15   well, do you know when [REDACTED] got off training?

16          A    I don't remember.

17          Q    Okay.  And do you know a lieutenant by the name  
18   of [REDACTED]?

19          A    I do.  She was my sergeant at the time.  One of  
20   my sergeants.

21          Q    Okay.  Did you talk to [REDACTED] about  
22   this matter?

23          A    No.

24          Q    Have you talked to [REDACTED] about the  
25   Appellant and [REDACTED] relationship?

1           A    No. [REDACTED] and I do not speak off duty. It's  
2 strictly a work relationship.

3           Q    Okay. Now, you talked about the fact that the  
4 Appellant was considered one of the better F.T.O.s at West  
5 Hollywood; is that correct?

6           A    Yes.

7           Q    And is it fair to say that a field training  
8 officer is considered to be a supervisor?

9           A    Yes.

10          Q    And you know that the Appellant signed  
11 [REDACTED] off of training; is that correct?

12          A    Yes.

13          Q    Did you ever know that they were dating?

14          A    You heard -- you hear rumors, you know.

15          Q    Okay. Did you --

16               HEARING OFFICER SCULLY: Does that mean you heard  
17 rumors? Because you said you heard rumors, but do you  
18 mean, "I heard rumors"? Is that what you're saying?

19               THE WITNESS: Okay. I would hear, yes. There  
20 may have been somebody, but I don't know the specs.

21 BY MS. ROAM:

22          Q    Okay. Did you have occasion to talk to the  
23 Appellant about dating [REDACTED]?

24          A    When I was gone, I don't remember if we discussed  
25 [REDACTED] other than -- because he move to -- he



1 transferred to South Los Angeles. And my conversations  
2 are, "Always watch your six." In other words, watch  
3 what's going behind you because you're at a faster  
4 station. And, you know, just things of that fashion.

5 Q Okay. Either before he transferred to South L.A.  
6 or after, did you ever have any discussions with him about  
7 dating [REDACTED]?

8 A No. I can't say that I have.

9 Q You never expressed any concern?

10 A No. My concern was just -- no.

11 Q And based on what you said on direct, is it fair  
12 to say that you and [REDACTED] did not share a shift?

13 A I don't know if we shared an exact shift because  
14 sometimes we -- on a permanent basis -- because I can't  
15 remember what shift she was on. She was on a.m. shift,  
16 but what side of the week -- because there's two different  
17 sides of the week you work.

18 Q Okay. But you testified that your contact with  
19 her was few and far between?

20 A Yes.

21 Q Now, you also testify that her absences were  
22 excessive. Did you -- can you qualify what you mean by  
23 that?

24 A With missed work -- this is what the supervisors  
25 say with her missing work, or she's late to work. I

1 wouldn't ask how much. I would just say, "Well, you guys  
2 need to do what you need to do in terms of being a  
3 supervisor and take corrective measures."

4 Q Okay. Do you know if [REDACTED] was ever  
5 documented for her absences?

6 A I couldn't say because I wasn't her direct  
7 supervisor.

8 Q Okay. Did you ever learn whether she was put on  
9 any kind of performance mentoring or performance contract?

10 A No.

11 Q And if you have -- based on your experience on  
12 the Sheriff's Department, if you have an employee who is  
13 evidencing excessive absences, is it -- would it be  
14 something to put them on a performance contract?

15 A It depends on who the employee is, but, yes.

16 Q Okay. Was there something about [REDACTED]  
17 that caused her not to be treated like other employees?

18 A I don't know. No, I couldn't tell you that. I  
19 can't attest to those -- that.

20 Q Now, when you were working at West Hollywood  
21 Station, did the Appellant leave prior to you leaving, or  
22 do you recall? Had he gone to South L.A.?

23 A I think he may have left a few -- a couple of  
24 months or so before I did.

25 Q Okay. And after leaving -- after he transferred

1 to South Los Angeles Station, did you ever see him in or  
2 around West Hollywood Station when he was off duty?

3 A No.

4 Q And you talked about this time when [REDACTED]  
5 shared some personal matters with you. Was she confiding  
6 in you?

7 A Yes.

8 Q Okay. And do you know if [REDACTED] aspired  
9 to be a training officer?

10 A I don't know.

11 Q Did she ever express to you that she wanted to be  
12 a training officer?

13 A No.

14 Q Do you know if she ever tested or put herself on  
15 a list to try and become a training officer?

16 A No.

17 Q Now, [REDACTED], do you know anything at  
18 all about the facts of this case?

19 A I know Caren was terminated.

20 Q Okay. Do you know any of the underlying reasons?

21 A I don't really, no. Well, I'm guessing it's from  
22 the I.A. or whatever the case that -- however the  
23 termination came about. I don't know the specifics of the  
24 case.

25 Q Okay. That's what I was going to ask. Do you

1 know any of the allegations?

2 A I don't know the specifics of the case.

3 Q Okay. So let me just ask you based on your  
4 experience as a lieutenant on the Sheriff's Department.  
5 If a deputy sheriff off duty engages in domestic violence  
6 with another, is that appropriate behavior for a  
7 Department member?

8 A No.

9 Q If a deputy pushes or grabs or chokes an intimate  
10 partner, is that appropriate behavior for a Department  
11 member?

12 A No.

13 Q And, [REDACTED] do you have any  
14 information about the Appellant pushing or grabbing  
15 [REDACTED] by the arm?

16 A No.

17 Q Do you have any information about him placing his  
18 hand around her neck and squeezing it, restricting her  
19 ability to breathe?

20 A No.

21 Q Do you have any information about the Appellant  
22 damaging her bedroom door when she attempted to close it  
23 and prevent him from getting into her bedroom?

24 A No.

25 Q Do you have any information about him tearing her

1 pants or her clothes?

2 A No.

3 Q Do you have any information about him using her  
4 home-surveillance camera system without her knowledge and  
5 monitoring her activities?

6 A No.

7 Q Do you have any information about him following  
8 her without her knowledge and reporting to others what her  
9 activities are?

10 A No.

11 Q Do you have any knowledge of him standing outside  
12 of her apartment and listening as she engaged in sexual  
13 activity with another man?

14 A No.

15 Q Do you know whether or not -- or do you have any  
16 information as to whether Deputy Mandoyan called  
17 [REDACTED] excessively while she was on duty and he was  
18 off?

19 A No.

20 Q Do you have any information as to whether he  
21 generated harassing text messages or sent them to her  
22 after they had broken up?

23 A No.

24 Q Do you have any information about deputy -- or  
25 the Appellant coming to [REDACTED] apartment and

1 attempting to break in?

2 A No.

3 Q Do you have any information about him coming to  
4 her apartment at 3:30 in the morning and actually entering  
5 through her bathroom window when she's telling him to  
6 leave?

7 A No.

8 Q [REDACTED], if a Department member did  
9 that, would that be appropriate behavior?

10 A No.

11 Q Do you have any information about the Appellant  
12 attempting to remove [REDACTED] sliding-glass door  
13 from her apartment -- from her apartment in order to gain  
14 entry?

15 A No.

16 Q Okay. And, [REDACTED], if you went to a  
17 location and inadvertently left or were locked out and you  
18 had Department items, let's say, your gun and flat badge  
19 locked inside and you were being denied entry to go back  
20 in, what would you do?

21 A Am I operating under the influence of emotions?  
22 I would try to call that person to open the door and give  
23 me my items.

24 Q Okay. And if they refuse to let you in to get  
25 your items, would you attempt to break in?

1           A    If I'm operating under the influence of emotions  
2           and depending on the circumstances, I personally would  
3           cuss them out. I personally would try to get my  
4           materials, and I probably would call the police. That  
5           would be my last resort because you never want police  
6           contact when dealing with, you know, your affairs of the  
7           heart.

8           Q    Okay. But would you actually attempt to break  
9           into the apartment to retrieve your items?

10          A    No. Because I probably would have keys and just  
11          walk in.

12          Q    Okay. But if you didn't have keys and you  
13          couldn't walk in, why would you not break in?

14          A    Again, I can't -- I can't say -- well, first of  
15          all, my keys wouldn't be in -- and my stuff wouldn't be in  
16          the house. No, I'm not going to break in because I can't  
17          do that because I'm a lieutenant. If you're talking about  
18          this stage in the game. If we're talking about when I  
19          first came on and was a deputy, I probably would do  
20          something stupid. Now, no.

21          Q    Okay. And based on your experience, you know  
22          that behavior is not acceptable to the Department; is that  
23          correct?

24          A    Yes.

25          Q    And deputy personnel, are they held to a higher

1 standard than the people in the public?

2 A Yes.

3 Q And why is that?

4 A Well, supposedly because of our training, and  
5 because we are aware of the law. So, yes.

6 Q Okay. Are deputy sheriffs expected to uphold the  
7 law?

8 A In all facets, yes.

9 Q Okay. Now, if a Department member is -- let me  
10 strike that.

11 If a Department member is interviewed as part of  
12 an administrative investigation, are they expected to be  
13 honest?

14 A By all means.

15 Q Are they expected to give full, complete, and  
16 truthful statements?

17 A Yes.

18 Q And what happens if a Department member doesn't  
19 do that?

20 A They're recommended for termination.

21 Q Okay. Why would a Department member be  
22 discharged if they fail to give full, complete, or honest  
23 statements during an administrative investigation?

24 A That's what the bill schedule says -- states.

25 Q Okay. So you're aware that there's a guideline



1 for discipline that outline for Department personnel what  
2 the discipline ranges are for specific behaviors?

3 A Yes.

4 Q Okay. Would you agree that honesty is a  
5 foundational principal for a deputy sheriff?

6 A Absolutely.

7 Q Okay. Why is that?

8 A Well, if you're not honest, how are you going to  
9 uphold the law?

10 Q Okay. And do you have an opinion as to whether  
11 or not a deputy who is dishonest is able to testify  
12 truthfully at a jury trial?

13 HEARING OFFICER SCULLY: It's a little bit of  
14 a --

15 MS. ROAM: I will withdraw it.

16 HEARING OFFICER SCULLY: Yeah. The  
17 hypothetical -- I mean, are you asking -- well, okay.  
18 You're withdrawing it?

19 MS. ROAM: Yes.

20 HEARING OFFICER SCULLY: In general, I mean, the  
21 guidelines are pretty clear about, you know, a dishonest  
22 statement in an administrative investigation is a  
23 violation. So that's already well established.

24 MS. ROAM: Yes.

25 BY MS. ROAM:

1           Q   [REDACTED], do you know that the  
2   Appellant was named as a suspect for domestic violence or  
3   stalking in an El Segundo Police Department crime report?

4           A   We haven't discussed that.

5           Q   Okay. Would you agree that when a Department  
6   member is named as a suspect in a crime report, that  
7   embarrasses both the Department and that employee and  
8   brings discredit?

9           A   It does.

10          Q   And do you know whether or not the Appellant was  
11   served with a domestic violence restraining order through  
12   the North Valley Courthouse?

13          A   No.

14          Q   Okay. Would you agree that having a domestic  
15   violence restraining order filed against you also brings  
16   embarrassment and discredit to both yourself and the  
17   Sheriff's Department?

18          A   Yes.

19          Q   Now, if a deputy is contacted by an outside law  
20   enforcement agency and requested to be interviewed because  
21   they are a suspect in a criminal report, does the  
22   Department have any expectation of that employee?

23               MR. GOLDFEDER: I'm going to object at that point  
24   because now we're engaged in protective constitution in  
25   California rights if somebody is being accused of a crime.

1       So if he doesn't want to talk, he wants to invoke his  
2       constitutional rights to remain silent, that doesn't  
3       having anything to do with Department's expectation.  
4       That's a whole different category.

5               HEARING OFFICER SCULLY: All right. Can I have  
6       the question read back, please.

7               (The record was read.)

8               HEARING OFFICER SCULLY: Well, I interpret the  
9       question as a -- that it can be answered with a yes or no,  
10      and it's a foundational question. And then I think you  
11      need to build a foundation for if the Lieutenant does have  
12      knowledge. In other words, you're basically asking does  
13      the Department have an official policy in terms of whether  
14      deputies -- when they're contacted by an outside law  
15      enforcement agency if they need to talk to them or not.  
16      Which essentially, I guess, is the question or the issue  
17      which Mr. Goldfeder raises. Does the Department have a  
18      policy about whether or not officers have to give up their  
19      constitutional right to remain silent?

20              MS. ROAM: That's not my question. So let me  
21      withdraw it and re-ask a new one.

22              HEARING OFFICER SCULLY: But that essentially is  
23      the issue. Does the Department have an official policy  
24      that says to deputies, "If you're contacted, we don't  
25      expect you to assert your fifth amendment rights. We

1 expect you to talk."

2 MS. ROAM: No. That's not my question. So let  
3 me withdraw and try again.

4 HEARING OFFICER SCULLY: Oh, okay.

5 BY MS. ROAM:

6 Q [REDACTED], do you know if the  
7 Department member is aware that they are a named suspect  
8 in a crime report, do they have an obligation to notify  
9 the Sheriff's Department?

10 A Yes.

11 Q Okay. And if a Department member is served with  
12 a domestic violence restraining order that has a firearms  
13 prohibition, are they expected to notify the Sheriff's  
14 Department?

15 A Yes.

16 Q And who are they, per policy, required to notify?

17 A Well, it would be the on-duty watch commander.

18 Q Okay. Now, you've stated that the Appellant was  
19 a training officer, and that loyalty to the Sheriff's  
20 Department is very important; is that correct?

21 A Hm-hm.

22 Q And would you agree that Department members  
23 are --

24 MR. GOLDFEDER: I'm sorry. Is that a "yes"?

25 THE WITNESS: Yes.

1 MR. GOLDFEDER: Okay. I'm sorry. Go ahead,  
2 Counsel.

3 BY MS. ROAM:

4 Q And Department members are expected to devote  
5 their time and attention to Department business?

6 A Yes.

7 Q Okay. And so if the Appellant, when he's off  
8 duty and [REDACTED] is on duty, is constantly calling  
9 her and texting her and keeping her on the phone, would  
10 you consider that to be loyal to the Department?

11 A I'm sorry. Because people have conversations all  
12 the time on the telephone. And so you have to understand  
13 I'm thinking about myself. I talk to my god kids all the  
14 time, getting ready to go through the academy. So it's  
15 not being disloyal, and I'm not trying to downplay  
16 anything. So --

17 Q Okay.

18 HEARING OFFICER SCULLY: Are you saying you can't  
19 answer that question because there's just too many  
20 possible varying circumstances?

21 THE WITNESS: Absolutely.

22 HEARING OFFICER SCULLY: It could be bad. It  
23 could be good, but you just can't answer in a --

24 THE WITNESS: Yes.

25 HEARING OFFICER SCULLY: Okay.

1 BY MS. ROAM:

2 Q Now, if an -- if a training officer off duty  
3 tells a -- his girlfriend, a Department member, deputy  
4 sheriff -- not to go to briefing -- demand that she not go  
5 to briefing, would that be loyal to the Sheriff's  
6 Department?

7 HEARING OFFICER SCULLY: I'm having a problem  
8 with these hypotheticals because you're trying to, like,  
9 turn the witness into an expert because you're asking her  
10 opinions about the Appellant's conduct. And it's really  
11 not -- it's just not competent evidence.

12 You know, her opinion is really -- I mean, you  
13 can do that with every Department employee that comes in  
14 here, and that's why it's generally just not allowed. You  
15 don't do that. She's giving her opinions on one employee  
16 that she had experience with. And she's had experience  
17 with this employee and she gave opinions on him also, that  
18 these type of hypotheticals just in general are not --  
19 they're not really admissible because they're just --  
20 they're just seeking her opinion.

21 Turning her into an expert on everything in the  
22 case, and she's really not that. So -- nor that of any  
23 other Department employee, except maybe the assistant  
24 sheriff who is the decision maker and who already has been  
25 in and testified. I think he has established some of

1       these points that you are already asking this witness  
2       about.

3               MS. ROAM:   Thank you.

4               HEARING OFFICER SCULLY:   So I would like you to  
5       just focus on the cross-examination and not get into these  
6       sort of hypotheticals of -- of every shape and form  
7       relating to the allegations.

8               MS. ROAM:   Okay.   Thank you.

9               HEARING OFFICER SCULLY:   Thank you.

10              Are you chilly?

11              THE WITNESS:   I'm cold.

12              MS. ROAM:   Usually it's too hot.

13              MR. GOLDFEDER:   Would you like a jacket?

14              THE WITNESS:   I'll wait.

15              HEARING OFFICER SCULLY:   Do you want to -- do we  
16       need to -- I mean, I notice that the Lieutenant is a  
17       little uncomfortable.   Do you want to take a five-minute  
18       break and walk around?

19              THE WITNESS:   No.   We can proceed.

20              HEARING OFFICER SCULLY:   Okay.   I think we're  
21       almost done.   Thank you.

22              MS. ROAM:   All right.   [REDACTED],  
23       that's all I have for now.

24              HEARING OFFICER SCULLY:   Okay.   Thank you.  
25       Any redirect?

1                   MR. GOLDFEDER: Yes, Your Honor. I'll try to be  
2                   brief.

3

4                   REDIRECT EXAMINATION

5                   BY MR. GOLDFEDER:

6                   Q    Lieutenant, if a deputy sheriff who is a con  
7                   artist fabricates criminal charges, is that appropriate  
8                   conduct for a deputy sheriff on the Department?

9                   A    No.

10                  Q    Okay. Would that be considered disloyal to the  
11                  Department?

12                  A    Yes.

13                  Q    Okay. And as you listen to the charges read by  
14                  the advocate from the Department, do have an opinion as to  
15                  the validity of those charges based upon what you know of  
16                  your experiences with Caren Mandoyan?

17                  A    I don't see Caren conducting himself in that  
18                  fashion.

19                  Q    Okay. Is that based upon your opinion as to the  
20                  integrity of Deputy Sheriff Caren Mandoyan?

21                  A    Yes.

22                  Q    Okay. The District Attorney did not file any  
23                  criminal charges against Deputy Mandoyan based upon these  
24                  fabricated allegations by a con artist deputy sheriff.  
25                  Would that be something you would have expected to have



1       happened?

2           A     If the -- can you rephrase that?

3           Q     Sure. I'm going to represent to you that the  
4       District Attorney did not file any charges.

5           HEARING OFFICER SCULLY: And, Mr. Goldfeder,  
6       you're kind of going down the same road already that I  
7       talked about in terms of, you know, asking hypotheticals  
8       and asking this witness' opinion about, "Did it happen?"  
9       "Is he guilty or not guilty?"

10          And that's not really helpful because it's not an  
11       opinion based on her personal observations. And it just  
12       makes turning the witness into some sort of -- you know,  
13       giving her opinion about did -- is the Appellant -- you  
14       know, did he do as charged or not do it?

15          I've already got her opinions about his work  
16       performance, his integrity, and his general character and  
17       [REDACTED] But I don't think it's helpful to just  
18       throw out these hypotheticals and ask her, you know, "Do  
19       you think he did it or not do it?"

20          You have the testimony that she thinks the  
21       allegations are inconsistent with what she knows about  
22       him. But with that advisement, you know, I'd like you to  
23       go ahead and continue. I'm not going to stop you, but I  
24       just know what's helpful, and I think I have the gist of  
25       the Lieutenant's testimony.

1                   MR. GOLDFEDER: I just have a few more questions,  
2                   and then I'll probably be concluded.

3                   BY MR. GOLDFEDER:

4                   Q    Does it cause the Sheriff's Department  
5                   embarrassment if a deputy sheriff makes false allegations  
6                   to a police department?

7                   A    It does.

8                   Q    Did it embarrass the Department if the deputy  
9                   sheriff makes false allegations to the Sheriff's  
10                  Department in an Internal Affairs interview?

11                  A    Yes.

12                  Q    Is it your understanding that the -- have you had  
13                  experiences with any subordinate personnel in relation to  
14                  the Sheriff's Department's Internal Criminal Investigation  
15                  Bureau, I.C.I.B.?

16                  A    Have I had -- I'm sorry?

17                  Q    Are you familiar with the Sheriff's Department  
18                  Internal Criminal Division known as I.C.I.B.?

19                  A    Yes.

20                  Q    Okay. And they conduct criminal investigations  
21                  of Sheriff's Department personnel?

22                  A    Yes.

23                  Q    Okay. Is the deputy sheriff obligated to speak  
24                  to the Internal Criminal Information Bureau?

25                  A    Well, once that investigation starts, he has a

1 right to retain counsel.

2 Q Okay. And is it your understanding that same  
3 policy of retaining counsel would be similar to if deputy  
4 sheriffs are contacted by outside police department?

5 A Yes.

6 Q If someone is making phone calls and texting and  
7 there's information to allow someone to facilitate and  
8 better accomplish their duties as a deputy sheriff, is  
9 that something that would be helpful to the Department?

10 A Yes.

11 Q Okay. Would that be something you would consider  
12 a deputy sheriff being loyal to the Department by helping  
13 out another deputy sheriff on patrol?

14 A Yes.

15 Q And if a deputy sheriff, in your opinion, is a  
16 con artist also filed a false restraining order, would  
17 that bring embarrassment to the Department?

18 A Yes.

19 MR. GOLDFEDER: Nothing further, Your Honor.

20 HEARING OFFICER SCULLY: Okay. Any  
21 recross-examination?

22 MS. ROAM: Yes, please, sir.

23

24 RE CROSS-EXAMINATION

25 BY MS. ROAM:

1           Q   [REDACTED], I want to show you a couple  
2 of videos and ask if you have seen these before. I'm  
3 going to play first -- it's actually on the monitor behind  
4 you.

5                               (Wherein a video is played.)

6 BY MS. ROAM:

7           Q   [REDACTED], have you ever seen this  
8 video before?

9           A   No.

10          Q   Okay. Based on your experience, what does it  
11 appear that the Appellant is doing?

12          A   Trying to get into the door.

13          Q   Okay. And if during an administrative  
14 investigation he said he was knocking on the door in order  
15 to get in, does that appear to be consistent?

16          A   Consistent with the film that I'm looking at?

17          Q   Yes.

18          A   No.

19          Q   Okay.

20               MS. ROAM: I want to get out of this view. It  
21 appears that we are having some technical difficulties.

22               HEARING OFFICER SCULLY: I don't know if we need  
23 a stipulation of the parties, but I want to instruct the  
24 court reporter not to record any video -- any sound that  
25 comes from the video, okay?

1 MS. ROAM: Yes. So stipulated, sir. Thank you.

2 HEARING OFFICER SCULLY: Okay.

3 MR. GOLDFEDER: At this point, Your Honor, I  
4 didn't object to the first video, but now she wants to  
5 show her the whole sequence of videos. I think now we're  
6 kind of getting into a 801 area, if she wants to qualify  
7 her as an expert witness, if we're asking a lot of  
8 questions along these lines and background information for  
9 foundational purpose.

10 HEARING OFFICER SCULLY: Well --

11 MS. ROAM: No. I --

12 HEARING OFFICER SCULLY: There was no objection  
13 on the first video. That's my general concern is that  
14 she's already said she has no exposure to any of the  
15 details of the case. I presume that means she's not seen  
16 any videos at all.

17 MS. ROAM: Right.

18 HEARING OFFICER SCULLY: Because that would be  
19 one of the details of the case. You said, "Well, I want  
20 to show this to you to see if you've seen it."

21 I think it's clear she hasn't. So the real issue  
22 is I want to show it to you and then ask you what's your  
23 opinion about what you see. Again, her opinion is not --  
24 you can't bring in every witness, show them the video, and  
25 say "What's your opinion here?"

1           I mean, the video, it's the trier of fact, which  
2   is me, and maybe the, you know, the decision maker. His  
3   opinion -- in this case is -- is important. But, other  
4   than that, you really can't bring in every witness and  
5   show them the video and say, "What's your opinion?"  
6   Because that is an improper use of opinion, and it turns  
7   everybody into an expert witness, which they're not.

8           MS. ROAM: Okay.

9           HEARING OFFICER SCULLY: So that's why I had my  
10   comments earlier about the hypotheticals. It's the same  
11   issue here with saying -- showing the witness the video  
12   and saying, "What's your opinion about what you're seeing  
13   here?" And that's why it's not proper.

14          MS. ROAM: Okay. And I think the more  
15   appropriate question that I want to ask her is: After  
16   seeing it, does it change her opinion?

17          HEARING OFFICER SCULLY: Which opinion?

18          MS. ROAM: Her opinion about the Appellant.

19          HEARING OFFICER SCULLY: Well, you mean about his  
20   character?

21          MS. ROAM: And reputation.

22          HEARING OFFICER SCULLY: Character and  
23   reputation?

24          MS. ROAM: Yes. I mean, it's [REDACTED]  
25   credibility that's being attacked, and his that's being

1 bolstered. So I think to have this witness look at these  
2 videos and say does it affect her opinion about the  
3 Appellant, I think it is relevant.

4 MR. GOLDFEDER: It would be relevant if she was  
5 shown all these videos and designated as some kind of  
6 expert witness in this case, as opposed to -- now I have  
7 to go through a rendition of questions to augment an  
8 isolated little video that takes things totally out of  
9 context.

10 HEARING OFFICER SCULLY: Well, maybe we can --  
11 you can just ask that question in the form of a  
12 hypothetical. Like, "If there were video of the Appellant  
13 trying to break into [REDACTED] apartment, would that  
14 change your opinion about his honesty or integrity?"

15 MS. ROAM: Okay.

16 HEARING OFFICER SCULLY: It's a simple enough  
17 question. I don't know if it would or not, but --

18 MS. ROAM: Okay. Thank you.

19 BY MS. ROAM:

20 Q [REDACTED], if there was video showing  
21 the Appellant coming into [REDACTED] apartment through  
22 the window -- breaking in through the window, with her  
23 telling him to get out and threatening to call the police,  
24 would that affect your opinion at all regarding the  
25 Appellant's character?

1           A    I would have to say, no, and let me quantify  
2   that.  Being a human being of 52 years, we all have  
3   emotions.  And because you argue with someone doesn't  
4   change who you are for that moment.  It changes who you  
5   are with that person.  But every contact that I have ever  
6   had with him in any legal form -- any work, Deputy  
7   Mandoyan has always been honest.  When he's made a  
8   mistake, he's always said, "I was wrong.  I did X, Y, and  
9   Z."

10           Whenever I've had questions, you know, as watch  
11   commanders we get calls from our loyal citizens who go to  
12   jail and make their comments.  He would say, "No.  This is  
13   what happened."

14           So I've never known him to be anything other than  
15   trustworthy and honest to me.  And to see a video, and  
16   given the dynamics of what I'm learning that you have  
17   shared with me today, I would say these are emotions on  
18   both sides.  And it would not change my belief in who he  
19   is as an individual and in his character.

20           Q    Okay.  Could he be conning you?

21           A    He's never been dishonest with me before.  So to  
22   that, no.

23           Q    Okay.

24           A    I've never had a feeling of him trying to get  
25   over on me.  So, no.  These are my personal feelings, what



1 I feel and my -- or feeling. I'll change that so you  
2 understand why you give a feeling to one individual, as we  
3 all have when standing next to someone, and that I don't  
4 particularly care for that person.

5 There's something about that person that just  
6 doesn't set right with me. That doesn't change who you  
7 are as an individual. That's just something you pick up  
8 on in that individual.

9 Q Okay. But fair to say you don't know all the  
10 details in this investigation; is that correct?

11 A That is absolutely correct.

12 MS. ROAM: Okay. All right. I have nothing  
13 further.

14 HEARING OFFICER SCULLY: Okay. Any more for, the  
15 Lieutenant?

16

17 FURTHER REDIRECT EXAMINATION

18 BY MR. GOLDFEDER:

19 Q Do you know what was going on before that video?

20 A No.

21 Q You don't know how long Deputy Mandoyan would  
22 have been knocking on the door, banging on the glass --

23 A No.

24 Q -- banging on the metal?

25 A No.

1           Q    Would it be a fair statement to say, Lieutenant,  
2   that any kind of property that you're given as a deputy:  
3   Your gun, your flat badge, that's your obligation to  
4   maintain control and retention over those items?

5           A    Yes.

6           Q    And those items are in a residence where somebody  
7   has locked you out of, does that relinquish the  
8   responsibility you have over control over those items?

9           A    No.

10          MR. GOLDFEDER:   Nothing further.

11          HEARING OFFICER SCULLY:   Okay.

12          [REDACTED], thank you very much for your patience  
13   here this morning and your assistance.   You're free to go.

14          THE WITNESS:   Thank you.

15          HEARING OFFICER SCULLY:   If you go outside, I  
16   don't think you'll be cold for long.

17          THE WITNESS:   Thank you.   You guys are all great.

18          MR. GOLDFEDER:   Thank you for your attendance.

19          MS. ROAM:   Thank you.

20          HEARING OFFICER SCULLY:   All right.   That's not  
21   her bag by any chance?

22          MR. GOLDFEDER:   No.   That's my stuff there.

23          HEARING OFFICER SCULLY:   Okay.   All right.   We're  
24   going to take our morning break, but does the Department  
25   have the witness ready to go?

1 MS. ROAM: Yes. She's been here since 8:30.

2 HEARING OFFICER SCULLY: Okay. Great. So I have  
3 10:32. Let's come back in 15 minutes. We'll take our  
4 morning break now.

5 Off the record.

6 (Pause in the proceedings.)

7 HEARING OFFICER SCULLY: We're on the record.  
8 Please raise your right hand.

9

10

11 produced as a witness, and having been first duly sworn by  
12 the Hearing Officer, was examined and testified as  
13 follows:

14

15 THE WITNESS: I do.

16 HEARING OFFICER SCULLY: And could you state and  
17 spell your name, please, for the court reporter.

18 THE WITNESS:

19 .

20 HEARING OFFICER SCULLY: Okay. Thank you. Let's  
21 see. This is the Department's witness?

22 MS. ROAM: That's correct.

23 HEARING OFFICER SCULLY: Sergeant Roam, please  
24 proceed.

25 MS. ROAM: Thank you, sir.

DIRECT EXAMINATION

BY MS. ROAM:

Q [REDACTED], good morning.

A Good morning.

Q You're currently employed by the Sheriff's Department; is that correct?

A Yes.

Q How long have you been employed by the Sheriff's Department?

A Since September of 2006.

Q Okay. And what is your current assignment?

A I'm at T.S.T.

Q What is T.S.T.?

A It's transportation of inmates to appear at their court dates or to different housing locations.

Q Okay.

MS. ROAM: Can you hear her okay?

THE COURT REPORTER: If she can speak just a little bit louder, that would be better.

BY MS. ROAM:

Q Okay. Keep your voice up so the court reporter and the Hearing Officer can both hear you, okay?

A Okay.

Q All right. Have you and I met before?

A Yes.

1 Q When did we meet?

2 A Last Wednesday.

3 Q And do you recall how long that meeting was?

4 A About six hours.

5 Q Okay. And what did we discuss?

6 A The case.

7 Q Okay. And were you honest?

8 A Yes, ma'am.

9 Q All right. Do you remember being interviewed by  
10 Lieutenant [REDACTED]. He was with I.A. regarding this  
11 matter back on June 24th of 2016?

12 A Yes, ma'am.

13 Q Okay. There's a binder in front of you, and if  
14 you could, open it to the tab marked No. 7. And there's a  
15 90 page document. Do you recognize what Exhibit 7 is?

16 A Yes.

17 Q What is it?

18 A It's the transcripts of my interview with  
19 Lieutenant [REDACTED].

20 Q Okay. And when you were interviewed by  
21 Lieutenant [REDACTED], were you honest?

22 A Yes.

23 Q Okay. And were you interviewed a second time by  
24 Lieutenant [REDACTED]?

25 A Yes.

1           Q   Now, during that second interview, were you a  
2   subject?

3           A   Yes.

4           Q   Okay.  What does that mean that you were a  
5   subject?

6           A   I was told to bring representation, and that I  
7   would be a subject, meaning, suspect -- subject of the  
8   investigation.

9           Q   Okay.  So there were concerns that you may have  
10  violated some Department policy; is that correct?

11          A   Yes.

12          Q   Okay.  And have you received any discipline as a  
13  result of being named as a subject in this case?

14          A   No.

15          Q   Okay.  In that big binder -- it's very  
16  cumbersome.  I want to call your attention to Department's  
17  Exhibit 25 and go to page 9.  And page 9 through 47, does  
18  that appear to be a transcript of the second interview you  
19  gave to Lieutenant [REDACTED]?

20          A   Yes.

21          Q   Okay.  And were you honest during that interview?

22          A   Yes.

23          Q   And I want to turn your attention to  
24  Department's 26.  During your interview -- that second  
25  interview with Lieutenant [REDACTED], were you asked about a

1 recording that you had made between -- of a phone  
2 conversation between you and the Appellant?

3 A Yes.

4 Q Okay. And if you could just take a look at  
5 Exhibit 26, pages 16 through 29. Does this appear to be a  
6 transcript of that portion of the interview?

7 A Yes.

8 Q Okay. And prior to your interviews with  
9 Lieutenant [REDACTED], were you interviewed by any officers  
10 from El Segundo Police Department?

11 A Yes.

12 Q Do you recall who interviewed you?

13 A No. I don't remember their names.

14 Q Okay. How many times were you interviewed by  
15 El Segundo officers?

16 A I was -- I mean, there's the initial report, and  
17 then there was my interview with their detectives.

18 Q Okay. And the initial report, was that taken by  
19 Officer [REDACTED]?

20 A Yes.

21 Q Do you know if that interview was recorded?

22 A I don't believe it was.

23 Q Okay. And after your interview with  
24 Officer [REDACTED] -- let me ask you. Do you know when that  
25 interview with Officer [REDACTED] was?

1 A As far as the dates?

2 Q Yes.

3 A No.

4 Q Okay. But subsequent to that interview, you were  
5 interviewed by a detective; is that correct?

6 A Correct.

7 Q And was that Detective [REDACTED]?

8 A Yeah.

9 Q And the interview with Detective [REDACTED], do you  
10 know if that was recorded?

11 A Yes, it was.

12 Q All right. In the binder I'm going to turn you  
13 towards the front of the binder to Exhibit 5.

14 A Almost there.

15 Q Okay. Do you recognize this transcript?

16 A Yes.

17 Q And does it appear to be a transcript of the  
18 interview you gave to Detective [REDACTED] on July the 20th  
19 of 2015?

20 A Yes.

21 Q Okay. Now, during these interviews with  
22 El Segundo police officers, were you honest?

23 A Yes.

24 Q Okay. How did you feel about making a police  
25 report in this matter?



1           A    Sick to my stomach about it.  It's the last thing  
2   I ever wanted to do.

3           Q    Okay.  And do you recall during your interview  
4   with Detective [REDACTED] ever laughing?

5           A    Yes.

6           Q    Okay.  Why did you laugh?

7           A    More of like a -- it's kind of a nervous tick  
8   that I have.  And just that coupled with it was just so  
9   embarrassing and obscene that I was even having to make  
10  this report.

11          Q    Okay.  Now, [REDACTED], do you know the  
12  Appellant in this matter, Caren Mandoyan?

13          A    Yes.

14          Q    Okay.  How did you meet the Appellant?

15          A    While working West Hollywood.

16          Q    What was your relationship?  Well, let me ask  
17  you.  Was he your training officer?

18          A    Yes.

19          Q    At what point of your training was he your  
20  training officer?

21          A    Towards the end of my training.

22          Q    Okay.  And do you recall when that was?

23          A    As far as the year?

24          Q    Yes.  Month and year, do you recall?

25          A    Maybe October-ish of 2013, 2012.

1           Q    Okay.  If I told you September of 2012, does that  
2   refresh your recollection?

3           A    Yes.

4           Q    Okay.  Do you know when you got off training?

5           A    I think it was November, December.

6           Q    Of?

7           A    2012.

8           Q    Okay.  And when you began working with the  
9   Appellant, what was his reputation at West Hollywood  
10   Station?

11          A    He had a great reputation.

12          Q    Okay.  And at some point, did the two of you  
13   become involved in a dating relationship?

14          A    Yes.

15          Q    And once you started dating, how would you  
16   characterize that relationship?  Were you in an exclusive,  
17   committed relationship?

18          A    Yes.

19          Q    Okay.  And when you first started dating -- you  
20   said in December of 2012?

21          A    Yeah.  Roughly December, yeah.  Towards the end  
22   of the year and the beginning of the next year.

23          Q    How did the two of you get along when you started  
24   dating?

25          A    We got along just fine.

1           Q    Okay.  And do you recall in February of 2013 the  
2   Appellant transferred to South Los Angeles Station?

3           A    Yes.

4           Q    And at some point did -- were you off what we  
5   call I.O.D., injured on duty?

6           A    Yes.

7           Q    And where was that in relation to his transfer?

8           A    Right around the same time.

9           Q    Okay.  How long were you off?  Do you recall?

10          A    Five months and then -- I think five or  
11   six months.  And then I came back to work for a few months  
12   and re-aggravated my injury and went back out.

13          Q    Okay.  And at some point did -- you said when you  
14   started dating, you had a good relationship.  At some  
15   point did the relationship begin to change?

16          A    Yes.

17          Q    Tell us, when did it first begin to change?

18          A    I would say probably around the time I went back  
19   to work.

20          Q    Okay.  What changed?  What happened?

21          A    He just became very -- as controlling, not  
22   wanting me to go to briefing, not wanting me to talk to my  
23   partners, not wanting me to really assist on calls that I  
24   was assigned to assist to with my partners.  He wanted to  
25   know who I was talking to, what they said.  And then also

1       telling me that everybody at West Hollywood -- all my  
2       partners were talking about me behind my back, and I was  
3       not respected. Just trying -- you know, that is kind of  
4       when it started to deteriorate.

5           Q     Okay. When he was telling you those things, did  
6       you go to briefing?

7           A     I believe I went to briefing, yes.

8           Q     Okay. Did you communicate with your partners?

9           A     No, not really.

10          Q     Why?

11          A     I was under the impression that they all hated  
12       me. So I didn't want to talk to them. And, also, I  
13       didn't want any complications outside of work. I didn't  
14       want to deal with the argument of, "Who did you talk to?  
15       What did they say? What did you say?"

16          Q     Okay. Is that something the Appellant would ask  
17       you, "Who did you talk to?"

18          A     Yes.

19          Q     How often would he ask you those questions?

20          A     Several times during a shift, and then after.

21          Q     Okay. So did you communicate with the Appellant  
22       when you were working?

23          A     Yeah.

24          Q     And how did you communicate?

25          A     Through cell phone.

1           Q    Okay.  And would he call you?  Would you call  
2   him?  What happened?

3           A    He would call me.

4           Q    Okay.  Did you have occasion to call him?

5           A    Maybe every once in a while I would call.

6           Q    Okay.  How would you characterize his calls to  
7   you?

8           A    Excessive.

9           Q    Okay.  Why do you say excessive?

10          A    Because it was very frequently during my shift  
11   for, like, a pretty lengthy amount of time during my  
12   shift.  Each call would be in, like --

13          Q    Okay.  And you said this behavior started when  
14   you returned back to West Hollywood Station?

15          A    Yes.

16          Q    And now, when he would call you excessively, why  
17   didn't you just turn off your phone?

18          A    Because he would be mad if I turned it off, and  
19   then he would eventually just show up.

20          Q    Okay.  Did you ever tell him not to call you?

21          A    I don't know if I did or not.  I'm sure I did.

22          Q    Okay.  Now, do you recall a family trip in the  
23   summer of 2013?

24          A    Yes.

25          Q    And can you -- did something happen at that time

1       between you and the Appellant?

2           A    Yeah.  He showed up at my parents' river house.

3           Q    Okay.  Can you tell us about that.  What  
4       happened?

5           A    I was at the river with my family and -- for the  
6       weekend.  And he called me up and said that he was on his  
7       way there with a bunch of his South L.A. partners.  They  
8       were all gonna just show up and come out.  And I told him,  
9       you know, "No.  You can't all just show up here.  I don't  
10      even know who you are bringing, and you weren't invited.  
11      I'm with my family."

12               And he at one point was like, "Oh, here.  Here.  
13      Talk to one of," -- you know, whatever.  He tried to pass  
14      the phone off to a friend, and he got back on the phone,  
15      never passing the phone off to anybody.  "They don't want  
16      to talk to you.  We'll see you in a little bit."

17               And eventually he showed up with nobody else, and  
18      it was just an awkward situation.

19           Q    Okay.  And had you invited him?

20           A    No.  I had mentioned to him if he wanted to go,  
21      like, weeks earlier.  He said, "No."  And then I never  
22      talked to my family about, you know, inviting him out  
23      formally and getting approval from them too.

24           Q    Okay.  And around this time did anything happen  
25      that impacted your feelings about this relationship with

1 the Appellant?

2 A I don't think I really understand.

3 Q Okay. You said at the beginning of your  
4 relationship you had a good relationship. At some point  
5 did you begin to have concerns about your relationship  
6 with the Appellant?

7 A Yes.

8 Q And tell us why?

9 A Because I couldn't even enjoy family time without  
10 being called or have him show up. I just felt, you know,  
11 suffocated and overwhelmed and, you know -- yeah.

12 Q Okay. You talked about this incident at the  
13 river house. Had he ever done anything like this before?

14 A No. Showed up to a family event?

15 Q Yes.

16 A No.

17 Q Did he do anything like that after?

18 A No.

19 Q Okay. Now, you said the Appellant would call you  
20 frequently when you were working. What was the purpose of  
21 his calls?

22 A To see how work was going. See if I went to  
23 briefing, and, again, who I talked to. Who was on the  
24 in-service? Just miscellaneous things like that.

25 Q And how long would these calls last?

1           A    Anywhere from 10 minutes to 30 minutes or an  
2   hour.

3           Q    How frequently would these calls occur?

4           A    Like I said, frequently. Like, all during the  
5   shift. All during the shift. If he wasn't there, then he  
6   was calling.

7           Q    Okay. Did you ever send a recording of a  
8   conversation between you and the Appellant to your cousin  
9   Mary?

10          A    Yes.

11          Q    Okay. And before I ask you about that phone  
12   conversation, can you tell us what was your relationship  
13   with the Appellant like during that period of time?

14                HEARING OFFICER SCULLY: Can you first identify  
15   what that period of time is.

16                MS. ROAM: The period of time when she made the  
17   recording. I want to establish when the recording was  
18   made, but I want to -- do you want me to do that first?

19                HEARING OFFICER SCULLY: Yeah. I'd just like to  
20   know the timeframe we're talking about. Is it 2013?  
21   2014? 2015?

22                MS. ROAM: Okay.

23   BY MS. ROAM:

24          Q    Do you know when you made the recording?

25          A    It was the end of the year of 2013.



1           Q    Okay.  And you said you sent this recording to  
2   your cousin Mary; is that correct?

3           A    Yes.

4           Q    Okay.  And so at the end of the year of 2013, how  
5   long had you and the Appellant been dating?

6           A    Like, about a year.

7           Q    Okay.  How would you describe your relationship  
8   with him at that time?  How were you feeling about the  
9   relationship?

10          A    I would say that it was pretty hostile.  Just  
11   very -- I felt trapped at that point.  I was being  
12   threatened, you know, any time -- it was just -- I felt  
13   trapped.  It was a hostile type of relationship.

14          Q    Okay.  Did you try to breakup with him?

15          A    On several occasions.

16          Q    Okay.  And why did you not just make a clean  
17   break with him?

18          A    Because I was always being threatened with my  
19   job, and then he started threatening to intervene with my  
20   father's job.  And I -- there was never just a chance for  
21   it to be a clean, amicable break.

22          Q    Okay.  You say he threatened your job.  Can you  
23   tell us, how did he threaten your job?

24          A    He would just make statements saying, you know,  
25   that he's a reaper.  He knows people in high places.  And

1 if he wanted to put a case on me, he could.

2 Q Okay.

3 MR. GOLDFEDER: Objection. I want to make a  
4 motion to strike. She's answering the documents -- her  
5 answers that are in the felony-taped, illegal phone  
6 conversation. There's no where in the materials here, and  
7 I believe that's a derivation for that.

8 MS. ROAM: She's --

9 HEARING OFFICER SCULLY: Well, the question was:  
10 What are his threats? And so, I mean, she didn't refer to  
11 the tape. I have no way of knowing she referred to the  
12 tape. So I guess I'll overrule the objection then.

13 But I didn't understand -- he's a reaper? Is  
14 that the word?

15 THE WITNESS: Yes, sir. It's like if there's a  
16 station tattoo with South L.A. And it's a tattoo that  
17 they -- I mean, it's a group. It's a station tattoo and  
18 it's a tattoo of a reaper, and they're designated a  
19 number.

20 HEARING OFFICER SCULLY: I see. So it's a  
21 sheriff's --

22 THE WITNESS: Clique type of thing.

23 HEARING OFFICER SCULLY: Okay. So that was the  
24 nature of the threats that you say you received on the  
25 phone?

1           THE WITNESS: I've received those threats  
2 multiple times, not just on the phone.

3           HEARING OFFICER SCULLY: In person and on the  
4 phone?

5           THE WITNESS: Yes.

6           HEARING OFFICER SCULLY: Okay.

7 BY MS. ROAM:

8           Q What did the Appellant mean when he tells you  
9 he's a reaper? What did you understand that to mean?

10          A I understood that to mean that he has friends  
11 that are also reapers that hold higher positions within  
12 our Department, and that they can make anything happen.

13          Q And when you say, "They can make anything  
14 happen," did he ever threaten you with anything in  
15 particular?

16          A Nothing in particular other than a few occasions  
17 about having a harder work night. You know, maybe  
18 calling -- calling people at the station and making sure  
19 that I received all the calls.

20          Q Okay. Now, do you know if the Appellant has a  
21 tattoo?

22          A Yes.

23          Q And I'm specifically referring to a reaper  
24 tattoo?

25          A Yes.

1 Q And you said that these are numbered?

2 A Yes.

3 Q Do you know what his number is?

4 A I believe it's 98.

5 Q Okay.

6 HEARING OFFICER SCULLY: What was that?

7 THE WITNESS: 98.

8 HEARING OFFICER SCULLY: Okay.

9 BY MS. ROAM:

10 Q Do you know when he got this tattoo?

11 A I believe it was in 2013.

12 Q Okay. Was it in relation to any significant  
13 event in his career?

14 MR. GOLDFEDER: Objection. Requires personal  
15 knowledge at this point.

16 HEARING OFFICER SCULLY: Well, either personal  
17 knowledge or maybe a statement by the Appellant. But you  
18 can -- can you establish more foundation for her knowledge  
19 to answer these questions?

20 MS. ROAM: Okay.

21 BY MS. ROAM:

22 Q How do you know about this reaper tattoo?

23 A He showed it to me, and he had also sent me  
24 pictures and videos of when he was getting it done.

25 Q Okay. Did he talk to you about getting this

1 tattoo?

2 A Yes.

3 Q Did he talk to you about what was going on in his  
4 life around the time that he received this tattoo?

5 A I mean, yeah. He was at South L.A. He was a  
6 T.O. He was a respected T.O. there.

7 Q Okay. And you guys were dating?

8 A Yes.

9 Q Was there any significant events that occurred  
10 around the time he received this tattoo?

11 A I don't --

12 Q Okay. Where is the tattoo?

13 A I believe it's on his inner-left ankle. It's on  
14 the inner of one of his ankles. I want to say it's on his  
15 left ankle.

16 Q Okay. Now, you said that you were aware that  
17 Department members of a higher rank were affiliated with  
18 reapers. How did you know this information?

19 A He told me.

20 Q Okay. Would the Appellant tell you about people  
21 he knew on the Department?

22 A Yes.

23 Q Tell me about that.

24 A He told me that he knew the sheriff's driver, and  
25 that he would -- he would always talk about him becoming

1 the next sheriff driver and -- but he's trying to pull for  
2 him to get into a specialized unit, like a -- like, task  
3 force.

4 Q Okay. And do you know -- what was the purpose of  
5 him telling you about people he knew on the Department?

6 A In my opinion, to keep me fearful of what he was  
7 capable of doing.

8 Q Okay. Did you believe that he was capable of  
9 impacting your career?

10 A Yes.

11 Q Why?

12 A Because he said that he could, and he was naming  
13 these people off by first name basis.

14 Q Okay. Did you know the people that he was naming  
15 off?

16 A I did not.

17 Q Okay. Now, I want to go to this recording that  
18 you made of a phone conversation between you in the  
19 Appellant. Were you working?

20 A Yes.

21 Q And did the Appellant know you were working?

22 A Yes.

23 Q And would the Appellant frequently call you when  
24 you were working?

25 A Yes.

1           Q   And when he would call you, did he know that you  
2 were working?

3           A   Yes.

4           Q   And how would he know that you were working?

5           A   Because he knew that I was driving into work. He  
6 knew what my schedule was, and he knew when I was at work.

7           Q   Okay. And when the Appellant would make these  
8 calls to you, was he working?

9           A   No, not to my recollection. He was off.

10           HEARING OFFICER SCULLY: Also, again, when you  
11 say "these calls," are you referring to every call he made  
12 to her from the whole time they were in a dating  
13 relationship? Because it's the same issue we kind of  
14 discussed yesterday when you talk about "these calls" or  
15 "these texts." I need to know exactly what you're  
16 referring to because there's a, you know, they were  
17 apparently involved for a couple of years. Are you  
18 talking about every call that was made during the course  
19 of that relationship?

20           MS. ROAM: Sure. I understand.

21           HEARING OFFICER SCULLY: And -- okay. Just say  
22 there's a lot of time she's not accounted for. Like,  
23 she's off work for five months. Apparently, there's no  
24 testimony about that at all because she wasn't working.  
25 So, obviously, she was not on duty. And then she was off

1 again after that. So there's a lot of big gaps here that  
2 I, you know, that I get confused on. And then when you're  
3 talking about "these calls," it encompasses a lot of area.

4 MS. ROAM: Yes. I'm going to try to do better.

5 HEARING OFFICER SCULLY: Well, I'd just like it  
6 if you would narrow down and focus. Focus on the time  
7 period so I know exactly what we're talking about.

8 MS. ROAM: Yes.

9 BY MS. ROAM:

10 Q You said that you recorded a call with the  
11 Appellant that occurred around the end of 2013. Do you  
12 recall that testimony?

13 A I'm sorry. Can you repeat the question?

14 Q You recorded a phone call between you and the  
15 Appellant that occurred sometime at the end of 2013; is  
16 that correct?

17 A Yes.

18 Q And you state -- now, during this time period, I  
19 believe your testimony is -- correct me if I'm wrong --  
20 the Appellant called you frequently?

21 A Yes.

22 Q Would the Appellant call you more or less if he  
23 was working?

24 A Less if he was working.

25 Q Okay. And the recording that you made of this



1 phone conversation that occurred at the end of 2013, do  
2 you recall how this conversation began?

3 A He was upset that I went to briefing.

4 Q Okay. And do you know who called whom? Did he  
5 call you? Did you call him?

6 A I believe he called me.

7 Q Okay. And what was the Appellant's tone like  
8 during this conversation?

9 A He was angry.

10 Q And did he appear to be upset?

11 A I mean, yeah. Angry. Upset.

12 Q Okay. And what did he say that made you -- or  
13 what was it about this conversation that made you believe  
14 he was angry?

15 A He was yelling, and he also called me names.  
16 And he was angry.

17 Q Okay. And I want to turn to Department's  
18 Exhibit 28. Do you recognize this document?

19 A Yes.

20 Q And what is it?

21 A This is the recording -- transcripts of the  
22 recording.

23 Q Okay. Keep your voice up so the --

24 A It's the transcripts of the recording.

25 Q Okay. Do you recall what, if anything, the

1 Appellant complained of when you were talking to him?

2 MR. GOLDFEDER: I'm going to object to this whole  
3 line of questioning about this phone call that was  
4 recorded illegally in violation of State law without my  
5 client's consent. It wasn't used as part of the decision  
6 making process in this case, and it was a felony crime  
7 that was committed.

8 HEARING OFFICER SCULLY: Okay. Well, let's do  
9 this. Can I ask the witness to step out of room for just  
10 a moment.

11 MS. ROAM: Yes.

12 HEARING OFFICER SCULLY: [REDACTED], there are  
13 some seats out there. If you go out the door and to the  
14 left there, you can have a seat out there.

15 THE WITNESS: Yes, sir.

16 HEARING OFFICER SCULLY: We'll just be a minute.  
17 Thank you.

18 Okay. So I take it there was a telephone  
19 recording. [REDACTED] recorded telephone conversations  
20 between herself and the Appellant. And that was done  
21 without his knowledge and without his consent?

22 MS. ROAM: Yes.

23 HEARING OFFICER SCULLY: So there's a State law.  
24 It's Penal Code Section 632 that says that -- that is  
25 unlawful. It violates his right to have confidentiality

1 in a private conversation, which I believe would apply in  
2 this case. So -- and I haven't seen a lot of -- I haven't  
3 seen briefing on this issue, and I would appreciate any --  
4 if either side has any legal authority because I want to  
5 make the right decision here.

6 But my past experience with this is that, in  
7 general, those types of recordings not usable in evidence  
8 because they were obtained unlawfully. And it would  
9 essentially allowing, you know, it would be making use of  
10 illegally obtained information.

11 Now, I know there's an exception, and I think the  
12 Department is relying on it for -- in fact, we did see  
13 some briefings in the beginning of the case about some  
14 recording use, if they were an attempt to gather  
15 information on a felony. So what I would like to do is  
16 have a foundation established. I know the recording was  
17 made, so that is established. It's the date, the time,  
18 the circumstances, how it was recorded, when she started  
19 recording in the course of the conversation, because I'm  
20 looking at the first page here.

21 It looks like it was started right in the middle  
22 and basically what her thought processes was for the  
23 recording. And then once we've established that  
24 foundation, then I think that -- then I think I would like  
25 the Department then to make a motion to be allowed to use

1       that recording based on the Department's argument that has  
2       established foundation. And that will give the Appellant  
3       an opportunity to argue that the foundational aspects in,  
4       you know, in relation to the law that has already been  
5       provided.

6               We did look at, I think, on the first day of the  
7       hearing. So you see I want to do? I want to see if the  
8       foundation has been established. That's going to your  
9       goal. You don't have to prove the content of the  
10      covering. We know it's right there.

11             The question is what's the foundation for her  
12      decision and her act in recording this conversation,  
13      including did she tell him? Why not? Had she done it on  
14      other occasions? I'd like to know that too because --  
15      and what was going on before, you know, in the weeks  
16      preceding this and perhaps after. Because if she just  
17      does it on a spur of the moment -- that he's angry, and  
18      she thinks she wants to get a recording of him angry just  
19      so she can use it against him in the future, I don't think  
20      that's going to qualify.

21             You know, otherwise it could be done between any  
22      two people who get mad at each other and decide, "Hey, I  
23      want to get some leverage on him by getting him or her at  
24      their worst, and now I got leverage. I can use it for  
25      whatever."

1           And I think the statute doesn't allows that. So  
2           that's how we'll proceed. Any feedback or any comments?

3           MS. ROAM: Yes, I would like to be heard.

4           HEARING OFFICER SCULLY: Sure.

5           MS. ROAM: So I understand what you're saying  
6           about letting the recording in, that it has to make this  
7           exception. And the Department is confident we can  
8           establish that foundation. In addition, however, there is  
9           case law that says a recording that's obtained illegally  
10          can be used to refresh recollection and can be testified  
11          to.

12          So the Department -- if you don't allow the  
13          recording, her testimony, she's allowed to use that  
14          transcript to refresh your recollection and to testify  
15          because she was a party to that recording. And that's  
16          what the Frio case is that I just provided to you and  
17          counsel.

18          It's Frio v. The Superior Court of Los Angeles.  
19          It's a 1988 case that stands for the proposition that  
20          conversation -- it says, "It is basic evidence law that a  
21          witness' recollection may be properly refreshed by  
22          writings and papers, which are not in themselves  
23          admissible in evidence. Anything may, in fact, revive a  
24          memory."

25          So the fact that she can utilize this transcript

1 to refresh her recollection and testify would be  
2 appropriate.

3 HEARING OFFICER SCULLY: Well, that -- okay. Any  
4 response?

5 MR. GOLDFEDER: Yeah, briefly. First of all, you  
6 can't utilize a document to refresh someone's recollection  
7 that is not part and parcel of the entirety of this case.  
8 That's Premise No. 1. Premise No. 2 is under 632  
9 Subsection D, as in David. "Except as proof in an action  
10 or prosecution for violation of this section, evidence  
11 obtained as a result of eavesdropping upon a recording, a  
12 confidential communication in violation of the section is  
13 not admissible in any judicial, administrative, or other  
14 proceeding."

15 This is not a prosecution, No. 1. No. 2, it was  
16 recorded without his consent, you know, illegally. Now,  
17 if they want to sit here and try to use poisonous, tainted  
18 fruit under Wangson (sic) that goes back to 1880 in this  
19 country. You cannot utilize things to refresh  
20 recollection, let alone impeach somebody. It's no  
21 different than any suppression of motions. So if  
22 something gets suppressed, you can't use it in a criminal  
23 case because it violated of the 4th Amendment or what  
24 other due process scenarios.

25 Now, someone is going to sit here and turn around

1 and say, "Well, you know what. I used it to refresh my  
2 recollection."

3 In essence you're allowing somebody to commit a  
4 felony crime and not use it as part of their case. Now,  
5 they want to use that admissible evidence under  
6 632 Subsection D in an administrative setting, which is  
7 not allowed at all, per se, under the statute, except as  
8 proof in an action or prosecution for a violation of this  
9 section. There's not a criminal court here.

10 So if they want to taint this witness, which  
11 apparently they have by refreshing her recollection with  
12 something that is not part of this case, then I'll make a  
13 motion to have the entire matter dismissed based upon  
14 outrageous government conduct. Because that's apparently  
15 what happened in this case.

16 HEARING OFFICER SCULLY: Well, I haven't read the  
17 Frio case. But it just -- it appears to me that this  
18 witness, as any witness, if she has a telephone  
19 conversation, for example, with the Appellant, she's free  
20 to testify about the content of that conversation in this  
21 hearing. Would you agree with that?

22 MR. GOLDFEDER: I would, Your Honor.

23 HEARING OFFICER SCULLY: Okay. Including this  
24 conversation on the date and time when this recording was  
25 apparently made. The recording itself is not admissible,

1 but she can testify as to what was said in the recording  
2 and the fact that the transcript is not admissible doesn't  
3 make her testimony on the conversation inadmissible.

4 MR. GOLDFEDER: But the point here, Your Honor,  
5 is that -- and I'm in total agreement with what you just  
6 said. If she wants to talk about a phone call from 2013  
7 and 2014, that's fine. Now, I think when she comes back  
8 in here the -- Your Honor should ask her when she was  
9 shown this transcript, and if that helps her refresh her  
10 recollection about that phone call, because now it's  
11 tainted.

12 The purpose of refreshing someone's recollection  
13 is if they, you know, have no memory or recall about  
14 something, as, you know, you're well aware. Then if  
15 somebody wants to provide them some type of admissible  
16 material, deposition transcript, or something of that  
17 nature, police report, "Does it help refresh your  
18 recollection what you told somebody back in 2012, 2013?"  
19 That's fine. Those are not tainted documents such as this  
20 one.

21 So if the Department went ahead and gave her a  
22 tainted document to look at, now they've tainted her  
23 testimony, not only regarding this point but other points.  
24 And now they're trying to bring into this hearing things  
25 that were not part and parcel on the decision maker's



1 thought process and evaluation of this case.

2 So they had actually used something that they  
3 know is impermissible under law to refresh someone's  
4 recollection. And now they want to basically benefit from  
5 two felony acts of misconduct, besides the phone call.  
6 Now, they are conspiring against somebody with what they  
7 know is impermissible, per se. Because County counsel --  
8 when it was brought to County counsel's attention by then  
9 Sergeant [REDACTED], they said, "This is going to be  
10 retracted. It's going to be left out of the case," and it  
11 wasn't part of it.

12 Now, they're committing a further felony  
13 infraction -- actually, a felony crime in the State of  
14 California by doing what they did. And that is just a,  
15 per se, illegal and inappropriate to fresh somebody's  
16 recollection with something they know was obtained by a  
17 felony crime.

18 HEARING OFFICER SCULLY: Okay. I haven't read  
19 the Frio case, but from my understanding what Sergeant  
20 Roam says, the Frio case stands for the proposition that  
21 it's lawful to refresh somebody's memory based on a  
22 recording taken in violation.

23 MS. ROAM: That's exactly what Frio stands for,  
24 sir.

25 HEARING OFFICER SCULLY: Can you point to that?

1 MS. ROAM: Yes. So Frio recorded a number of  
2 phone conversations, and he made many notes and  
3 transcripts of those conversations that he refreshed his  
4 recollection. And counsel in that case made the exact  
5 objection that Mr. Goldfeder did here. That his memory  
6 was now tainted because he had reviewed these. And the  
7 trial court excluded his testimony on that, and the  
8 Appellant court overruled.

9 I believe it was the Superior Court -- I mean the  
10 Supreme Court, but I could be wrong about that. But it  
11 overruled that and said that it was appropriate for him to  
12 use anything that could refresh his recollection. And  
13 while the document itself, which they acknowledge was  
14 taken in violation of 632, and, therefore, would be deemed  
15 illegal, the recordings of that or the transcript were  
16 appropriate for him to refresh his recollection, and that  
17 testimony was appropriate.

18 HEARING OFFICER SCULLY: Okay. So let me just  
19 look at this case for just moment.

20 MR. GOLDFEDER: Let me give you another case,  
21 Your Honor. The statute was amended after the case of  
22 Coulter, C-O-U-L-T-E-R, v. Bank of America. The citation  
23 of that is 28 Cal.App.4th 923. It's a 1994 case. And  
24 what happened in that case was that a coworker of  
25 Bank of America was illegally recording conversations with

1 supervisors.

2 Now, what the court held in that case was that  
3 each and every one of those recordings was a violation.  
4 And the individual had 44 specific violations of 632 and  
5 awarded penalties at the court a total of \$132,000 in  
6 damages by each and every one of the individuals that had  
7 a phone conversation illegally recorded.

8 Now, what the case also held was that there was  
9 an amendment to the statute authorizing the provision here  
10 as far as the, you know, 632 Subsection D, where you  
11 cannot use that telephone conversation, you know, unless  
12 it's a prosecution in a criminal court under 632 in the  
13 Penal Code. It's a Penal Code provision.

14 So there's an amendment from a statute way after  
15 this dilatory Frio case. And now the, you know, the fines  
16 were increased and Subsection D was augmented. So their  
17 argument lacks legal merit, and it is also not in  
18 conjunction with the current State of California statutory  
19 and case law.

20 HEARING OFFICER SCULLY: Okay.

21 MR. BOLLINGER: Coulter quoted Frio. I mean, I'm  
22 just looking up Coulter. The court affirms summary  
23 judgement holding that, quote -- sorry. I'm just looking  
24 and trying help out here. "The subject matter might be  
25 later discussed. Has no bearing on whether Section 632

1       has been violated."

2               It sounds like Coulter was all about whether  
3       there was an expectation of confidentiality in those  
4       conversations since they weren't on the phone. They were  
5       person to person.

6               HEARING OFFICER SCULLY: All right. Just give me  
7       a second. I want to read what the court here in Frio  
8       said.

9               MR. GOLDFEDER: And when you're done, Your Honor,  
10       I'll review a passage from the Coulter case.

11              HEARING OFFICER SCULLY: Okay.

12              MR. GOLDFEDER: Or you can read it yourself. I  
13       can put the iPad there.

14              HEARING OFFICER SCULLY: Okay. Frio is an  
15       interesting case.

16              MR. GOLDFEDER: I just need to read a couple of  
17       references from Coulter, Your Honor, if you want to hear  
18       those? Or do you just want to --

19              HEARING OFFICER SCULLY: Sure. Go ahead.

20              MR. GOLDFEDER: It cites a prevision from Frio.  
21       Quote, "A communication must be protected if either party  
22       reasonably expects the communication to be confined to the  
23       parties," end of quote, Frio v. Superior Court, supra.

24              Then it goes on to state that under Section 632,  
25       "Confidentiality appears to require nothing more than the

1       existence of a reasonable expectation by one of the  
2       parties, that no one is listening in or overhearing the  
3       conversation."

4               And then most specifically here's the other point  
5       of the Coulter case. We addressed briefly the other  
6       specific points made by Coulter. That was the person who  
7       got hit with \$132,000 in fines. First, he suggested that  
8       because he never disclosed the tapes to any third party,  
9       there was no violation of the privacy act. The Court says  
10      there is no disclosure requirement.

11             Section 632 prohibits recording a conference  
12      communication without the consent of all parties. So it  
13      says nothing about publishing the communication of a third  
14      party.

15             So, essentially, it was recorded illegally to  
16      communicate to every party in this case. And that opens  
17      up the door, for not only allegations of further felonies  
18      that it was disseminated after it was obtained in  
19      violation of State law -- State Penal Code Law. Now, it's  
20      been provided to everybody else. And anybody that's  
21      looked at it is also going to be a recipient of a civil  
22      lawsuit here regardless of the outcome of this case.

23             Because that dissemination now is a logical segue  
24      beyond what Coulter court talked about. So Coulter  
25      quote -- court had 44 separate individuals that had their

1 conversations recorded, and he got hit with \$3,000 a pop.  
2 Can't use it anywhere outside of the criminal arena under  
3 Subsection D of the statute.

4 Now, what the County has done here -- it was  
5 isolated, you know, for the radioactive plutonium that it  
6 was by County counsel was then brought to Lieutenant, then  
7 Sergeant [REDACTED] attention. And it was segregated and  
8 excised away from this case. Now, it has been brought  
9 back into this case in such a fashion with multiple  
10 individuals, that gives rise to a violation of  
11 Penal Code 182 for conspiracy at this juncture.

12 Now, they've even taken it beyond that by having  
13 this witness refresh her recollection, with something that  
14 County counsel's office going all the way back to when  
15 Sergeant [REDACTED] called up and was instructed, put that  
16 in the little safe bin here. It's not going to be part of  
17 this case. That's why everything was redacted.

18 I requested this information to be provided to me  
19 so I can ascertain the extent of the taint that was going  
20 on in this case. Once I filed that first request to  
21 obtain all that redacted material, then it's just been  
22 this free for all on the County side here. Now, they have  
23 not only transversed Penal Code statutes en masse, but  
24 they've all implicated themselves. Each and every person  
25 has looked at this and reviewed it.

1           Probably the only person that has not looked at  
2           this particular recording, apparently, is the decision  
3           maker, Assistant [REDACTED]. Now, they want to  
4           sit here -- and it's not even an end run. It's a sewer  
5           run. And it is beyond comprehension that any taint can be  
6           removed from this case. And what I find most offensive is  
7           that -- and I will bring this on in cross-examination --  
8           because I might as well get to that at some point, not  
9           today but in the future -- that this was provided to her  
10          knowing full well that it was not to be utilized.

11           HEARING OFFICER SCULLY: Well, I'm sorry.  
12          "This," meaning the tape --

13           MR. GOLDFEDER: The taped transcript.

14           HEARING OFFICER SCULLY: Was provided to who?

15           MR. GOLDFEDER: Yes. The witness in this case to  
16          refresh her recollection. Which is why they came up with  
17          this outdated and probably overturned case of Frio. So as  
18          I indicated, based upon the Coulter case, there was an  
19          amendment to the statute, specifically, limiting any usage  
20          of this violation for criminal court.

21           HEARING OFFICER SCULLY: Well, Frio says, as I  
22          read it, two things of interest here. First of all, your  
23          comments from Coulter about the nature of a confidential  
24          communication in quoting Frio, I believe that this  
25          conversation was a confidential communication. So that's

1 established.

2 But the question -- so, therefore, the recording  
3 of it without Appellant's consent was in violation of the  
4 statute. Frio says that, you know, notwithstanding that  
5 illegality, that the recording itself can be used or the  
6 transcript of the recording can be used to refresh the  
7 recollection of a witness. But it also has a fairly, you  
8 know, in Section E of the decision, I guess it could be  
9 3-E, entitled, "Procedure to be utilized by trial court  
10 upon reman."

11 It notes that a lot of times in common trial  
12 practice, there's a very, you know, there's a very much  
13 intermixing between refreshing a witness' recollection and  
14 past recollection recorded. And, in fact, in police  
15 officers I think are -- maybe familiar with an officer who  
16 has not seen the case for two years and doesn't know --  
17 because he or she has done thousands of cases, they get on  
18 the stand and they basically read from the police report.

19 But it's like, "Hey, would this refresh your  
20 recollection?"

21 "Yes."

22 And then they testify as if it refreshes their  
23 recollection when really, it's past recollection recorded.  
24 Because the issue is, is the witness testifying from their  
25 own recollection, or are they just reading off of a



1 document, essentially. And this case notes that those two  
2 things are often -- there's not a good distinction made.  
3 But I think what this case is saying is there has to be  
4 very good distinction made. Which means it has to become  
5 evidence that the witness cannot recall the event and  
6 needs to have their memory refreshed, and then is given  
7 the recording. Then she puts it down and says, "Now I  
8 remember," and testifies from her recollection.

9 This case also says -- Frio also says that -- and  
10 it's not spelled out in great detail -- but it suggest  
11 that the recording can be used to cross-examine the other  
12 person who is a participant in the conversation. In other  
13 words, there's a concern that the person who doesn't want  
14 the conversation to be used may be given -- they shouldn't  
15 be given license to give false information about that  
16 conversation.

17 But that's not spelled out as to how that would  
18 actually work, and what that cross-examination would look  
19 like. I'm concerned here, though, too. There's a due  
20 process element to using this recording, in that it wasn't  
21 presented to the -- it wasn't presented in the Skelly  
22 package. And so it's really -- I think, when you offer  
23 evidence that goes beyond the Skelly package, you're --  
24 you're violating due process. I mean that's what Skelly  
25 is about. It's due process.

1           And it says that before you discipline an  
2     employee, you have to present all the information -- the  
3     evidence and the charges against him or her, and give them  
4     a chance to respond. And then once they have that chance  
5     to respond, then the employer will decide "Does any of  
6     this new information change our mind about what discipline  
7     to impose here, or does it not change our mind?"

8           If it doesn't, then go ahead with the discipline.  
9     And I don't think -- I think it really violates due  
10    process to then use other information -- other evidence in  
11    the hearing that was not used in the underlying decision  
12    making process. So I don't think this recording can be  
13    used. Let me ask the Department.

14           Has the witness already -- has her recollection  
15    already been refreshed by looking at the transcript?

16           MS. ROAM: We'll have to ask her. I don't know.

17           HEARING OFFICER SCULLY: Well, did she have  
18    possession of the transcript independently of your office?

19           MS. ROAM: I don't believe she had a transcript.  
20    I would have to confirm that I sent it to her. I may have  
21    sent it to her. I'd have to look at the e-mail. I know I  
22    sent her other documents. I sent her her I.C.I.B.  
23    testimony and the El Segundo report. I can double-check  
24    to see. I don't recall exactly. I may have. I probably  
25    did, but I don't know for sure. I don't know that she's

1 read the transcript.

2 I would like to be heard on the due process issue  
3 that you brought up.

4 HEARING OFFICER SCULLY: Okay.

5 MS. ROAM: So I agree that Skelly says that we  
6 have to provide the Appellant with everything that was  
7 used as the basis for the decision to discipline. And the  
8 [REDACTED] came in and testified to the reasons for  
9 the discipline, and this was not part of it.

10 However, now we are before the Civil Service  
11 Commission, and the question is: Are the allegations  
12 true?

13 And so we have this de novo hearing, and the  
14 Department's position is we are not limited to only the  
15 information that we provided him, that was the basis for  
16 the discipline. But we can bring in any relevant credible  
17 evidence that tends to establish the truth of the charges.  
18 And so I don't believe there is a due process violation  
19 here.

20 This is a fact-finding mission where relevant  
21 evidence that helps you make a credibility determination  
22 is properly considered.

23 HEARING OFFICER SCULLY: Well, is there any  
24 authority that either side has on that particular issue of  
25 does -- does all evidence in the Department's possession

1       that they intend to use at the hearing, does it need to be  
2       presented to the decision maker in the Skelly process? I  
3       mean, this is not evidence that you discovered after  
4       Skelly. This was something you had all along.

5               And because there's something of a -- I don't  
6       know -- an ambush quality about it too. But maybe we  
7       don't have to get there. I mean, the first issue that we  
8       have to deal with is, is the tape admissible? And your  
9       position right now is, yes, it is?

10              MS. ROAM: Yes.

11              HEARING OFFICER SCULLY: Because it is admissible  
12       under the exceptions to 632.

13              MS. ROAM: Yes.

14              HEARING OFFICER SCULLY: So that gets to that  
15       whole issue of the foundation.

16              MS. ROAM: Yes.

17              HEARING OFFICER SCULLY: And then -- so to do  
18       that, I would like you to establish that foundation. Then  
19       we'll have that motion that we talked about, either motion  
20       to use it or it will be an opposition of Appellant. And  
21       we can decide that based on the testimony we elicit as to  
22       the foundation.

23              As to the use to refresh, I don't know the answer  
24       to that. What I would say is okay. I mean, Counsel,  
25       you -- Mr. Goldfeder, you suggest Frio might be no longer

1 good law because of the changes to statute. I don't know  
2 the answer to that. So I guess I would ask that both  
3 sides -- yes. You want to --

4 MR. GOLDFEDER: Let me interject something here  
5 and maybe kind of cut to the heart of this situation.  
6 Let's say, for example, in a criminal matter there's a  
7 violation of coercion of the 4th and 8th Amendment, and  
8 there's a confession to a case that's ultimately thrown  
9 out when it goes through Appellant review.

10 Now, essentially what the Department is doing  
11 here because this tape was obtained in violation of the  
12 law, no different than a coerced confession. So let's say  
13 we have to go back to Trial No. 2 in a situation like  
14 that. Now, the detective looks at that interview to  
15 refresh his reflection. And now it turns out that under  
16 cross-examination he refreshes his recollection with a  
17 piece of material or report that was excised by the court  
18 because it was constitutionally infer or in violation,  
19 that would taint that entire case. That's outrageous  
20 government conduct.

21 That's essentially what happened here. So at the  
22 inception, this piece of material was deemed to be  
23 inappropriate by County counsel. And now as you indicated  
24 with due process it wasn't disclosed, segregated. Now,  
25 they want to sit here and -- well, she can talk about it.

1 She used it to refresh her recollection.

2 It's no different than what I can imagine what a  
3 federal court judge would do to a department and a  
4 detective if that scenario came before that bench officer.  
5 Because that's basically just thumbing the nose at State  
6 law, and we're going to go ahead and go full speed ahead  
7 with this felony crime.

8 And six hours of coaching the witness, I've never  
9 heard six hours of coaching totaled out in about every  
10 trial that I've done. And I've done a substantial number  
11 of them. And for the Department to sit here and now try  
12 to gin up this case to say she refreshed her recollection,  
13 it never should have been dealt with after it was  
14 segregated from Lieutenant, then Sergeant [REDACTED].

15 They have created a trail of radioactive debris  
16 here that they cannot get around, and that's self-evident  
17 here. Because now I hear, "Oh, it was sent to this person  
18 and that person." Sergeant [REDACTED] came across this,  
19 talked to whomever in County counsel's office and the  
20 deep-sixed it. It should have stayed there now. Now  
21 they've just decided to run amuck with it.

22 HEARING OFFICER SCULLY: Well, but see, I'm not  
23 deciding on them running amuck. I'm trying to decide one  
24 narrow issue which is, is it going to be admissible in  
25 this hearing? And they claim that there are grounds that

1       it would be admissible. And under 632 and the other  
2       statute I think we looked at on the first page, I don't  
3       know if it is not.

4               But what I'd like to do is see, number one, if  
5       it's admissible. Now, as for the refreshing issue, what I  
6       would say is I don't know. I mean, this is a statute.  
7       It's not constitutional. It's a statute. So it's  
8       different from a 4th Amendment violation, I would think.

9               MR. GOLDFEDER: But the statute refers to --  
10       except as proof in an action or prosecution for violation  
11       of the section. We're on prosecuting the 632. We're not  
12       in civil court, litigating a 632 violation because there  
13       is a lawsuit for damages. Those are the only -- the law  
14       states that's exactly what the provision for this is. I  
15       have the entirety of 632 here if you want to look at that.

16              Or you have the paperwork there also?

17              HEARING OFFICER SCULLY: Yeah. I have 633.5  
18       which says, "Nothing in section 632 prohibits one party to  
19       a confidential communication from recording the  
20       communication for the purpose of obtaining evidence reason  
21       believed to relate to the commission by another party the  
22       communication of the crime of extortion, kidnapping,  
23       bribery, any felony involving violence against a person or  
24       violation of 653-M."

25              So I guess what we're looking for in terms of

1 foundation is did -- was this recording made because  
2 [REDACTED] reasonably believed that the recording would  
3 relate to the commission of extortion, kidnapping,  
4 bribery, any felony involving violence or violation of  
5 653-M.

6 MR. GOLDFEDER: But then that would be for a  
7 prosecution of that matter. That's a criminal court. So  
8 if you're recording the comments somebody made in relation  
9 to a felony or some type of other state crime, now we're  
10 in criminal court. And you can probably get away with  
11 using those exceptions for a prosecution of those crimes.  
12 You're gathering evidence for those crimes.

13 So unless she's over in some criminal arena using  
14 illegally obtained materials, she's not allowed to use it  
15 anywhere outside of that. So it's no different than if  
16 somebody has a restraining order that is imposed. There's  
17 a provision in the D.B.1104 that allows them to, you know,  
18 record any unlawful communication in violation of that  
19 order. That's an exception. But that's going to be  
20 prosecuted over in a criminal area.

21 But 632.D says outside of a prosecution you can't  
22 use it anymore.

23 HEARING OFFICER SCULLY: Do you have the 632?  
24 Can I see that D and see what it says?

25 MR. GOLDFEDER: Yeah. It's in my most recent



1 July 19th file, but that's a full copy of it.

2 HEARING OFFICER SCULLY: Thank you. Okay. I'd  
3 like to resolve this issue. We'll just keep going a  
4 little bit longer. We'll make sure we get our one-hour  
5 lunch break.

6 You know, upon reading these authorities, I'm  
7 persuaded that Mr. Goldfeder is accurate that 632.D says,  
8 "That except as proof in an action or prosecution for  
9 violation of this section, evidence obtained as a result  
10 of eavesdropping upon or recording a confidential  
11 communication in violation of the section is not  
12 admissible in any judicial, administrative, legislative,  
13 or other proceeding."

14 So that's pretty clear. And then we have 632 --  
15 633.5 says, "Nothing in 632 prohibits a party from  
16 recording another party in those certain circumstances."

17 And then it says that, "Nothing in 632 renders  
18 the evidence obtained inadmissible in a proceeding for  
19 prosecution of those offenses."

20 There's been no prosecution of Deputy Mandoyan  
21 for extortion, for any crime, including the crime of  
22 653-M, which is annoying somebody on the telephone by  
23 threatening them. There's been no prosecution of him for  
24 that. So that crime was not committed.

25 So there is no, you know, there's no statutory

1       exception that would allow that recording to be used in  
2       this administrative proceeding. I think that's  
3       essentially Appellant's argument; right?

4               MR. GOLDFEDER: Correct, Your Honor.

5               HEARING OFFICER SCULLY: And I think that's  
6       correct. I think that's the correct interpretation.

7               MR. BOLLINGER: If I may?

8               HEARING OFFICER SCULLY: Sure. It's fine with  
9       me.

10              MR. BOLLINGER: Yes. I hate to be at this point.

11              MR. GOLDFEDER: I can handle it.

12              MR. BOLLINGER: I know you can, for sure. So  
13       just to be clear on your ruling, your ruling is based on  
14       652-D?

15              HEARING OFFICER SCULLY: Yes.

16              MR. BOLLINGER: So the only exception is that it  
17       only allows it if --

18              MR. GOLDFEDER: Sorry. Sorry, Counsel. For  
19       clarity of the record --

20              MR. BOLLINGER: 632. Yeah.

21              MR. GOLDFEDER: Okay. I apologize.

22              MR. BOLLINGER: I apologize. The only statutory  
23       exception that you find is in cases of prosecution of the  
24       actually recording. And since there's no evidence that  
25       any of that was done here, the recording shouldn't come

1       in. Is that -- did I follow you?

2               HEARING OFFICER SCULLY: I think essentially.

3               MR. BOLLINGER: Essentially?

4               HEARING OFFICER SCULLY: I mean, I don't know if  
5       you -- reading -- what I'm saying is that reading these  
6       statutes and interpreting them 632.D is pretty clear. No  
7       use of it except in a prosecution.

8               MR. BOLLINGER: And so in allowing that, can I  
9       just move on? Then the next question I think we have to  
10      address which is, I think, probably the tougher question.

11              Okay. If the evidence is inadmissible, and I'll  
12      probably go back to do that and do some research myself  
13      since I wasn't handling this, but I can definitely jump  
14      in. I want to get the right answer.

15              If the evidence is inadmissible, I don't think  
16      that resolves the question of is the evidence allowed to  
17      be used for impeachment purposes and to refresh  
18      recollection.

19              HEARING OFFICER SCULLY: Right.

20              MR. BOLLINGER: I understand. In this case I  
21      know there wasn't a true refresh of recollection because  
22      there wasn't a question answered. And the witness didn't  
23      say, "I can't remember except if I look at this."

24              HEARING OFFICER SCULLY: Right.

25              MR. BOLLINGER: But assuming that's probably the

1 next train coming down the track, I don't see -- I don't  
2 hear any -- and maybe, you know, Mr. Goldfeder -- I don't  
3 want to put him on the spot -- but I don't think I've  
4 heard anything that kind of trumps the idea that when I  
5 have glanced at these cases, the idea that the courts are  
6 first and foremost concerned with getting to the truth.  
7 And the courts don't like that illegal recordings come in,  
8 I know.

9 But I think if we're going to ask her what she  
10 remembers from that phone call, and if she remembers  
11 something that's not correct, I don't think we can just  
12 sit back and say, "Well, we know she's lying to the court  
13 or to the Hearing Officer."

14 But we can't use that statement to correct her.  
15 If Mr. Mandoyan takes the stand, if he gets up there and  
16 lies and says, "Gee, I've never said this," are we  
17 supposed to just sit back and say, "Well, you know, we  
18 know he's lying, but with that lie we're going to allow to  
19 be fostered into the court."

20 And I think that's what the courts struggle with,  
21 and that's why use they allow you to use this evidence for  
22 impeachment and use it for refreshment of recollection  
23 even though it may be inadmissible. I think you're right.  
24 It's not a 4th Amendment violation. This is a statutory  
25 scheme with which the courts are worried about that.

1           MR. GOLDFEDER: I don't know if you were done or  
2 not.

3           MR. BOLLINGER: Close enough.

4           MR. GOLDFEDER: Go ahead and finish up.

5           MR. BOLLINGER: I'm done. Thank you.

6           MR. GOLDFEDER: But here's the problem. Let's  
7 say -- and this goes on in the courts all the time. If I  
8 open up the door, then that's my responsibility. What we  
9 have here is a door that's been opened up the size of the  
10 Grand Canyon on your side. And the only person that's  
11 actually done the right thing here happens to be sitting  
12 in the room, Sergeant [REDACTED] at the time, now  
13 Lieutenant [REDACTED].

14           Once it got to County counsel's hands and they  
15 put it in the safe -- I don't know who opened up the  
16 combination for that. I didn't do anything with this  
17 recording. I wanted to have the redacted versions  
18 available to me to make any decisions that I chose to do  
19 tactically for my client.

20           And now all of a sudden that's kind of erupted or  
21 overflowed like Mount Vesuvius over here on your side.  
22 And I'm not pointing any blame. I'm just saying  
23 generally --

24           MR. BOLLINGER: I understand. Go ahead.

25           MR. GOLDFEDER: -- in your Department there. And

1 now you want to sit here and benefit from all these  
2 illegalities when the State's statute specifically states  
3 that you cannot use it unless it's in a prosecution. Now,  
4 unless we've been anointed as a criminal bench for  
5 purposes of this trial, that's fine.

6 But as it states right now, what was done is not  
7 only categorically illegal under 632.D, but it's also  
8 categorically inappropriate according to Skelly and  
9 procedural due process, since it was segregated from the  
10 entirety of the 501 page of -- and 87 page addendum in  
11 this case. Now it's brought back in under this "we're in  
12 a de novo phase."

13 So I suppose, for whatever reason, that analysis  
14 has now concluded that State law doesn't apply and due  
15 process doesn't apply. But now we have even a more  
16 monumental problem besides the ones I have just enunciated  
17 here. And now we have tainted a witness for six hours,  
18 and we don't know how much more time on her own she's been  
19 looking and reviewing things.

20 And this is a swirling effect that, in my  
21 opinion, never should have happened. This is not an  
22 inadvertent scenario such as an opponent on a case send  
23 some type of attorney/client confidential communication to  
24 the other side. Now the other side might have to recuse  
25 themselves because they've looked at material they're not

1       allowed to do. That's how court's handle situations like  
2       that. That's just sure inadvertence.

3               Here we have intentional conduct that is  
4       basically manifestly unjust. And on that basis this  
5       witness here has been forever tainted. And now I -- I'm  
6       stuck with the prospect of being forced to use materials  
7       that your legal counsel on the other side concluded,  
8       rightfully, early on that should never see the light of  
9       day.

10              Now it's been disseminated as if it's trick or  
11       treat candy. And more importantly your witness has now  
12       been tainted in this case. And it's not through anything  
13       that's inadvertent, and that's the part that is totally  
14       offensive to me as a litigator.

15              HEARING OFFICER SCULLY: Well, Mr. Goldfeder,  
16       you're assuming that the witness was shown this transcript  
17       and I think Sergeant Roam said she's not sure. But --  
18       yes?

19              MS. ROAM: I have verified. I checked my e-mail.  
20       I did not send her that transcript.

21              HEARING OFFICER SCULLY: So, I mean, we can maybe  
22       ask her that and -- if she's looked at it. You might want  
23       to -- and I will allow this just because it is an issue of  
24       importance. I will allow you to voir dire her on that  
25       issue before we proceed with the direct. Just on that

1 issue of her familiarity, and you can ask the questions to  
2 satisfy yourself, you know, when she saw it last. When,  
3 you know, to establish your record on that issue.

4 I'm persuaded that your interpretation of 632.D  
5 is correct, that this transcript cannot be used in this  
6 case. Even if she did record it for purposes of a felony  
7 conviction or a felony of extortion or whatever, because  
8 it's only usable in that proceeding, that felony trial.  
9 And there has been no felony trial in this case or felony  
10 crime or other crime committed by the Appellant. So under  
11 632.D the transcript is not usable.

12 And Mr. Goldfeder has a concern about the  
13 tainting of the witness' testimony in general. And so  
14 I'll allow you to question the witness on that, and then  
15 we will -- and then you can make, you know, whatever  
16 motion that you want at that time. We can have the  
17 witness step out again. We can argue that issue.

18 I don't know what the outcome of that is if one  
19 way or the other she has seen it. I don't know if that  
20 taints the whole case. You might have to give some, you  
21 know, what the right remedy is. Maybe the remedy is to  
22 disregard or strike any testimony about that telephone  
23 conversation. But I understand your concern is that her  
24 testimony about all of her conversations might be tainted.

25 MR. BOLLINGER: Can I ask one question?



1 HEARING OFFICER SCULLY: Question? Yes, please.

2 MR. BOLLINGER: And I'll direct it to you, but  
3 it's really for Mr. Goldfeder. It's my understanding that  
4 the concern is that she reviewed the transcript or  
5 listened to the recording she made and somehow this would  
6 be tainted. So I don't understand the taint of -- there's  
7 no allegation that this recording isn't correct or an  
8 honest recording. Is she tainted because she listened to  
9 a recording and she remembers better than she would have  
10 otherwise? I don't understand what the taint would be.  
11 Because there's no allegation --

12 HEARING OFFICER SCULLY: And again --

13 MR. BOLLINGER: -- the recording --

14 HEARING OFFICER SCULLY: Sorry to interrupt.

15 MR. BOLLINGER: No, no. I'm sorry. I'm  
16 rambling.

17 HEARING OFFICER SCULLY: The Frio case addressed  
18 it. So, you know, in the Frio case held that an illegally  
19 obtained recording is still usable to refresh a witness'  
20 recollection. And, you know, I don't know what, you know.  
21 I mean, I can make one ruling here, and I will. Superior  
22 Court judge may or may not agree with me. And then a  
23 panel of three judges at the Court of Appeals may or may  
24 not agree with the Superior Court judge.

25 So I'm going to make the best ruling that I can,

1 but I appreciate, you know, legal authorities and legal  
2 argument from counsel, and we'll move forward. So I think  
3 we'll start with that voir dire. And then as to whether  
4 this witness has even seen the recordings since she made  
5 it -- and, again, you're not limited to one question. You  
6 can satisfy yourself as to what the -- whether you're  
7 getting accurate information or not. And then we'll move  
8 forward on direct because we have a lot to cover still on  
9 direct.

10 MS. ROAM: And, just so I'm clear, you're  
11 ruling -- you're determining that in fact this recording  
12 is in violation of 632. So I don't -- you don't want me  
13 to go into establishing the foundation for why she made  
14 the recording; is that correct?

15 HEARING OFFICER SCULLY: Well, I don't know.  
16 She's testified that she actually said, "Yes, I made a  
17 recording. And no, I didn't tell the other party to the  
18 recording." So that would be the foundation to show that  
19 it was illegal. I don't know that has been actually  
20 demonstrated by her testimony, but I expect that's going  
21 to be the case.

22 But I don't think it's necessary to show a  
23 foundation for -- I don't think there's a foundation for  
24 admissibility because there has been no prosecution of  
25 Deputy Mandoyan for any crime, any of the ones listed

1 in -- is it the 653 -- 633.5 including 653M. So I don't  
2 expect that recording is going to be -- if there's any  
3 foundation that would allow it to be admitted in this  
4 case.

5 MS. ROAM: As an exception under 633.5, but I  
6 still think we have the issue as to whether or not he had  
7 a reasonable expectation of privacy in this conversation.  
8 I mean --

9 HEARING OFFICER SCULLY: Okay. You can argue  
10 that, but, you know, under Coulter and a lot of other  
11 cases, when I've looked into this before on other cases,  
12 that reasonable expectation of privacy is defined pretty  
13 broadly by the California Supreme Court to include  
14 virtually any conversation you have with another person.

15 He's talking with his girlfriend. It's going to  
16 be hard to -- seems to me to show that a conversation with  
17 one's girlfriend, one doesn't have reasonable expectation  
18 of privacy. But if you want to try and make that point,  
19 you can.

20 MR. GOLDFEDER: Let me just do one thing, Your  
21 Honor, before we break for lunch and bring our witness  
22 back in because I anticipate moving into a 7th hour of  
23 discussions with the Department on her. If I can just ask  
24 a couple of brief questions just for foundational purposes  
25 about, you know, she saw this and what she's done, really

1       briefly. What I anticipate happening here is we're going  
2       to have another hour of coaching, and look at this. This  
3       is my current recollection. I never heard anything.

4               I've seen this game before, and I'd rather just  
5       put on the record two or three questions here before we  
6       all break for lunch.

7               HEARING OFFICER SCULLY: Madam court reporter,  
8       are you okay if we continue for a bit longer?

9               THE COURT REPORT: Yes, sir.

10              HEARING OFFICER SCULLY: Okay. Let's do that.  
11       How long do you expect this entire voir dire process to  
12       take?

13              MR. GOLDFEDER: For what I've planned, probably  
14       ten minutes.

15              HEARING OFFICER SCULLY: All right. Let's do  
16       that, and then we'll break for lunch.

17              And, also, I mean, I would ask the Department not  
18       to review this part of the transcript with the witness  
19       during our lunch break.

20              MS. ROAM: Absolutely.

21              HEARING OFFICER SCULLY: Thank you.

22              MS. ROAM: That goes without saying.

23              (Wherein the witness re-enters the room.)

24              HEARING OFFICER SCULLY: Okay. Thank you for  
25       being patient, [REDACTED]. We have some legal issues

1 we're arguing about, discussing. And we are going to do a  
2 few minutes more of questioning, and then we're going to  
3 break for lunch, and we'll have a one-hour lunch break.  
4 But we do have a few questions, and for right now  
5 Mr. Goldfeder is going to ask you a few questions.  
6 Remember you're still under oath, okay?

7 THE WITNESS: Yes, sir.

8 HEARING OFFICER SCULLY: Thank you.

9

10 VOIR DIRE

11 BY MR. GOLDFEDER:

12 Q Good afternoon, [REDACTED].

13 A Good afternoon.

14 Q You recorded a phone conversation with  
15 Deputy Mandoyan a while back; is that true?

16 A Yes.

17 Q Okay. Do you remember approximately when you  
18 recorded that phone conversation?

19 A Around December of 2013.

20 Q After you recorded that phone conversation, did  
21 you provide copies of that audio to El Segundo Police  
22 Department?

23 A I believe my cousin submitted that information to  
24 them.

25 Q Okay. What's your recollection of that phone

1 conversation?

2 A It was a heated conversation. He was yelling at  
3 me for going to briefing and yelling at me for talking to  
4 my cousin. And, basically -- I mean, he was just mad at  
5 for me going to briefing.

6 Q And how many communications did you have with the  
7 Department in regards to this telephone conversation as  
8 you sit here today?

9 A I -- it was during my I.A. interview -- my  
10 investigation interview with I.A. And we talked about it  
11 briefly last Wednesday.

12 Q And when you had your interview with I.A., did  
13 they play that telephone conversation with you?

14 A Yes.

15 Q Okay. Did that refresh your recollection of that  
16 telephone recording?

17 A Yeah. It refreshed what I had already -- I mean,  
18 I knew what was on the recording.

19 Q But did you understand -- remember exactly the  
20 specifics of the actual conversation?

21 A Yeah. As far as -- I mean, I had thought that it  
22 had only been a couple of minutes conversation, but I  
23 think in reality it was more like 10 or 12 minutes.

24 Q So would it be correct to say that the listening  
25 of this telephone conversation gave you a better

1       recollection of what was said as far as content and how  
2       long the conversation was?

3           A    Yes.

4           Q    Okay.  Had you looked at a transcript of that  
5       telephone conversation at any point in time?

6           A    Other than just the page that I saw briefly  
7       before you asked me to step out?  No, I have not seen any  
8       other transcript other than just a few minutes ago.

9           Q    And the last time you heard the phone  
10      conversation, was that your Internal Affairs interview?

11          A    Correct.

12          Q    And after hearing that phone conversation, did  
13      you get a chance to -- strike that.

14                After you listened to that phone conversation,  
15      was that the basis of how you responded to questions as  
16      opposed to what you remembered from a couple of years  
17      earlier when it was recorded or however long ago that took  
18      place?

19          A    I don't think there was much difference in it at  
20      all, and I -- I mean, it obviously helped my recollection.  
21      But I wouldn't use that as my basis for how I -- I've  
22      known about this conversation and everything that I've  
23      said about this conversation.

24          Q    But the actual content of the conversation was  
25      played to you by Sergeant [REDACTED] as part of an audio

1       tape; correct?

2           A    Yes.

3           Q    Okay.  Did you remember specifics of the totality  
4       of that conversation before you were played that tape?

5           A    Generally speaking, yes.

6           Q    But a portion of what you listened to on the tape  
7       helped you answer questions in that regard?

8           A    Yes.

9           Q    Okay.  So it would be correct to say that the  
10      listening of that phone conversation -- how long after the  
11      initial recording did you listen to this recording of it  
12      at your Internal Affairs interview?  Do you remember how  
13      many years in between?

14          A    It would have been -- that was December 2013.  My  
15      I.A. interview was June of 2016.  So over a year.

16          Q    But it was played for you during your second  
17      interview; correct?

18          A    Yes.

19          Q    Okay.  And then after you heard that, it helped  
20      to refresh your recollection about things?

21          A    A little bit better, yeah.

22          Q    Okay.  So it would be correct to say you have a  
23      better understanding after listening to the taped  
24      interview as opposed to before it was played three years  
25      later?



1           A     I mean -- yeah.

2           MR. GOLDFEDER:   Okay.   Nothing further.

3           HEARING OFFICER SCULLY:   Okay.   So between the  
4   time in making the recording in December of 2013 and your  
5   I.A. interview in June of 2016, did you listen to the  
6   tape?

7           THE WITNESS:   No.   Prior to my I.A. interview,  
8   no.

9           HEARING OFFICER SCULLY:   And was it played in any  
10   interview with the El Segundo Police Department.

11          THE WITNESS:   Not to my recollection.   I don't --  
12   I don't recall that.

13          HEARING OFFICER SCULLY:   Were you questioned  
14   about it in your --

15          THE WITNESS:   Yeah.   I was questioned about it,  
16   but I don't recall listening to it during the -- I  
17   remember watching videos.

18          HEARING OFFICER SCULLY:   So the El Segundo  
19   officers listened to it but didn't play it for you?   Is  
20   that what happened?

21          THE WITNESS:   I can't remember if they listened  
22   to it or did not have a copy of it yet when -- because  
23   when I had talked to the officer that took the initial  
24   report, I had let him know that I had this recording, and  
25   that my cousin was the one that had it.

1           And I'm not sure if by the time I talked to the  
2     detectives, my cousin had sent it to them. I do remember  
3     them asking me about -- I'm pretty sure I remember them  
4     asking me about the recording but I -- I can't tell you  
5     yes or no if I listened to a recording during that  
6     interview with the detectives.

7           HEARING OFFICER SCULLY: Did you record other  
8     phone conversations with the Appellant?

9           THE WITNESS: I had recorded other conversations,  
10    and I had kind of kept messages, and then he deleted them  
11    all. So I kept some and then when he deleted everything  
12    I, you know, sent one to my cousin.

13          HEARING OFFICER SCULLY: Okay. Was that -- you  
14    recorded this one we've been talking about in December of  
15    2013 after the deletion of the other ones?

16          THE WITNESS: Yes.

17          HEARING OFFICER SCULLY: Was that because you  
18    just wanted one more recording to get?

19          THE WITNESS: No. That's because he had deleted  
20    anything that I had. I mean, like I said, he had  
21    threatened me about my job. And I knew that if he ever  
22    followed through on those threats or promises, that I --  
23    it would be his word against mine. And so it was just  
24    more for if anything ever came of it, at least I would  
25    have it. And since he had taken or deleted my

1 information -- or deleted that information, I sent one to  
2 my cousin because he wasn't going to take her phone.

3 HEARING OFFICER SCULLY: And have you ever read  
4 the transcript of that tape?

5 THE WITNESS: No.

6 HEARING OFFICER SCULLY: Never seen it? How  
7 about when you met with -- six hours with Sergeant Roam  
8 last week?

9 THE WITNESS: No.

10 HEARING OFFICER SCULLY: No transcript?

11 THE WITNESS: There was no transcript.

12 HEARING OFFICER SCULLY: And did you listen to  
13 the tape?

14 THE WITNESS: No.

15 HEARING OFFICER SCULLY: In your discussions, did  
16 you talk about what was on that particular tape?

17 THE WITNESS: We talked about the tape, but we  
18 didn't really discuss the context of it. It was just a  
19 general whether or not she was going to have it submitted.

20 HEARING OFFICER SCULLY: So at that time there  
21 was still a question about whether or not it would even be  
22 used?

23 THE WITNESS: Yeah.

24 HEARING OFFICER SCULLY: And you were made aware  
25 of that fact that it may or may not be used?

1 THE WITNESS: Yes.

2 HEARING OFFICER SCULLY: Okay. All right. So  
3 any other questions along this line, this limited question  
4 we're doing right now? Sergeant Roam, do you have  
5 anything you want to add?

6 MS. ROAM: Yes.

7 BY MS. ROAM:

8 Q I would just ask, [REDACTED], do you recall at  
9 what point during your interview with Lieutenant [REDACTED]  
10 that he played the recording for you?

11 A It was the second interview, and I believe it  
12 might have been towards the end of the interview.

13 Q Okay. Did he ask you questions about the  
14 recording before or after he played the recording for you?

15 A I believe it was after, to the best of my  
16 knowledge. I believe it was after. I remember in reading  
17 my transcripts, that we played the tape and then he asked  
18 questions after.

19 Q Okay. I would like to refresh her recollection  
20 by turning to the unredacted portion of the transcript,  
21 which is Department's Exhibit 26 on page 22.

22 Lieutenant [REDACTED] says, "What I'm going to do" -- I'm  
23 sorry.

24 Go to Department's Exhibit 26 and look at page  
25 22, please.

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HEARING OFFICER SCULLY: What is 26?

MS. ROAM: Department's Exhibit 26 is --

HEARING OFFICER SCULLY: Oh, this is the  
unredacted second interview.

MS. ROAM: Yes. So these are the pages that had  
been redacted from the original investigative file. And  
so, in order to refresh her recollection at what point  
Lieutenant [REDACTED] played the recording, I just want to  
call her attention to page 22 of that transcript.

HEARING OFFICER SCULLY: Okay.

MS. ROAM: To see if it refreshes her  
recollection as to at what point of Lieutenant [REDACTED]  
questioning about this recording that he played it for  
her.

HEARING OFFICER SCULLY: Okay.

BY MS. ROAM:

Q Department's Exhibit 26, page 22. And I want you  
to look towards the top. And there's a question by  
Lieutenant [REDACTED], "All right. I show the time as" --  
and if you would just read that to yourself and see if  
that refreshes your recollection.

A Okay.

Q Okay. Does that refresh your recollection as to  
whether Lieutenant [REDACTED] asked you questions -- that's  
a terrible question.

1           When he played the recording during the  
2       questioning of this audio recording --

3           HEARING OFFICER SCULLY:   Well --

4           MS. ROAM:   Strike that, again.

5           HEARING OFFICER SCULLY:   Are you refreshing her  
6       memory, or are you trying to correct her testimony because  
7       she made what you consider a mistake?

8           MS. ROAM:   I'm seeing if this refreshes her  
9       recollection to correct her testimony.

10          HEARING OFFICER SCULLY:   Okay.   Because she  
11       didn't say her memory needed refreshing.   She didn't say,  
12       "I can't remember."

13          MS. ROAM:   Okay.

14          HEARING OFFICER SCULLY:   What is it your pointing  
15       to here?   I can read the transcript.   What -- I'm not sure  
16       what we're talking about.

17          MS. ROAM:   Counsel asked if she was played the  
18       recording.   At what point did the lieutenant play the  
19       recording for her?   And she said she believed it was at  
20       the beginning of the interview.   So I'm asking if this  
21       refreshes her recollection as to when, in fact, he played  
22       the recording.   Counsel is the one who has --

23          HEARING OFFICER SCULLY:   So her memory -- she  
24       gave an answer.   She didn't say, "I can't remember."

25          MS. ROAM:   Okay.

1 HEARING OFFICER SCULLY: She said, "Beginning."  
2 Again, that's an example of one of those slippery, you  
3 know, people -- lawyers say, "I'm going to refresh her  
4 recollection," when the witness doesn't need to be  
5 refreshed. They just -- either they're mistaken or  
6 they're not telling the truth.

7 Let's take our lunch. It's 12:40. Let's return  
8 at -- let's go to 1:45. All right.

9 I'm going to give you back the Frio decision.  
10 Thank you. That was very helpful.

11 Off the record.

12 (Lunch break.)

13 HEARING OFFICER SCULLY: Let's go back on the  
14 record, and we're back with [REDACTED]

15 Are we ready to begin the direct?

16 MS. ROAM: Yes.

17 HEARING OFFICER SCULLY: Okay. Mr. Goldfeder,  
18 are you ready?

19 MR. GOLDFEDER: Yes, your Honor.

20 HEARING OFFICER SCULLY: All right. Let's go  
21 ahead.

22 BY MS. ROAM:

23 Q Good afternoon, [REDACTED].

24 A Good afternoon.

25 Q Okay. When we left off before lunch, we were

1 starting to talk about this recorded phone conversation.  
2 Do you recall what happened immediately prior to you  
3 deciding to record this conversation?

4 MR. GOLDFEDER: You mean that day or, you know,  
5 months before?

6 MS. ROAM: Immediately prior to recording the  
7 conversation.

8 HEARING OFFICER SCULLY: Immediately, meaning the  
9 30 seconds before, or the day of, or what are you --

10 MS. ROAM: Okay.

11 BY MS. ROAM:

12 Q Let me ask you, [REDACTED], why did you record  
13 this conversation?

14 A I was on the phone with my cousin, and I had  
15 several missed calls from Caren. And I knew he was going  
16 to be upset because I ignored his calls. So when I  
17 answered, I began recording the conversation.

18 Q Okay. You said you knew he was going to be upset  
19 because you missed his calls. Why did you form that  
20 opinion?

21 A Because it was standard for him to be upset if I  
22 didn't answer his phone calls.

23 Q Okay. Make sure you keep your voice up for the  
24 court reporter so she can hear you, okay? She's the  
25 hardest working person in this room.



1           Tell me what you remember about that  
2       conversation.

3           A    I remember it just being very hostile in nature,  
4       and him being mad at me for going to briefing, and for  
5       being on the phone with my cousin.

6           Q    Okay. What was the issue with briefing? Why was  
7       he upset with you for going to briefing?

8           A    Because he didn't want me going to briefing.

9           Q    What did he say?

10          A    That briefing there was pointless. It's a  
11       worthless station and not to go to briefing.

12          Q    Okay. What else do you remember about that  
13       conversation?

14                HEARING OFFICER SCULLY: Okay. Can we just  
15       clarify it here? When you said, "What did he say about  
16       briefing," I think she's saying that -- I interpret the  
17       answer as generally what he said about briefing, not in  
18       that conversation; is that correct?

19                THE WITNESS: Correct.

20                HEARING OFFICER SCULLY: Okay. Again, when  
21       you're questioning her, make sure that you are making  
22       clear what you're asking her.

23                MS. ROAM: Thank you.

24                HEARING OFFICER SCULLY: Just so I'm clear on the  
25       record and the record is clear, what her actual testimony

1 is.

2 MS. ROAM: Thank you.

3 BY MS. ROAM:

4 Q During this conversation that was recorded, what  
5 did he say about briefing?

6 A He asked who I talked to. If I talked to  
7 anybody, and if so, what did I say and what did they say.

8 Q Okay. And what did you understand him to mean  
9 when he asked you those questions?

10 A Did you talk to anybody?

11 Q Okay. Was this something he commonly asked you?

12 A Yes.

13 Q And do you remember anything else that was said  
14 during this conversation?

15 A No.

16 Q Okay. Do you recall him accusing you of  
17 anything?

18 MR. GOLDFEDER: Objection. She indicated she  
19 doesn't remember anything about the conversation, and  
20 you're asking her questions about the conversation.

21 HEARING OFFICER SCULLY: Well, I'll overrule and  
22 maybe the question will jog her memory.

23 THE WITNESS: No.

24 BY MS. ROAM:

25 Q Okay. Do you recall him threatening you at all?

1 A Yes.

2 Q What were the threats?

3 A They were, "You'll see. Wait till midnight.  
4 Hope you're not tired. And something about he already  
5 talked -- or he talked to or he's going to talk to [REDACTED].

6 Q Okay. And who is [REDACTED]?

7 A He's a sergeant at West Hollywood.

8 Q Okay. What did you understand that to mean?

9 A That he was going to call his friend and see to  
10 it that I was going to receive all of the calls.

11 Q Okay. Why was he threatening you with receiving  
12 all the calls?

13 A Because nobody wants to go to all the calls.

14 Q Okay. During this conversation did he call you  
15 any names?

16 A Yeah. I believe he called me a cunt.

17 Q Did he call you anything else?

18 A I don't know. Probably.

19 Q Okay. Had he called you a cunt prior to this  
20 phone conversation?

21 A Yes.

22 Q How many times would you estimate he called you a  
23 cunt over the course of your relationship?

24 A Several. I mean, 20, 30. I can't give you an  
25 accurate number.

1           Q    Okay.  And during this conversation was there any  
2           discussion about the status of your relationship?

3           A    Yeah.  I told him it was over.  Leave me alone.

4           Q    Okay.  And when you told him your relationship  
5           was over, what did you mean by that?

6           A    I mean it's over.  Leave me alone.  I don't want  
7           to be in a relationship with you anymore.

8           Q    Okay.  And what did he say in response?

9           A    I don't remember.

10          Q    Okay.  How did you feel -- what was your -- let  
11          me just ask you this.  Were you afraid of the Appellant?

12          A    Yeah.

13          Q    And during this conversation were you afraid of  
14          the Appellant?

15          A    Yes.

16          Q    Okay.  What was were you afraid of?

17          A    I was afraid that he would do something to maim  
18          my career.

19          Q    Okay.  Were you afraid of anything else?

20          A    No.

21          Q    Okay.  During the conversation, do you recall  
22          saying anything about whether you were afraid of him?

23          A    No.

24          Q    Okay.  And you indicated that he called you and  
25          at some point you started recording.  How far into this

1 conversation did you begin recording it?

2 A I'd imagine pretty immediately.

3 Q Okay. Now, this particular conversation that you  
4 recorded, had you had other conversations of that nature  
5 with him prior?

6 A Yes.

7 Q How frequently?

8 A Anytime he ever got mad.

9 HEARING OFFICER SCULLY: So when you say "of that  
10 nature," you mean -- what do you mean?

11 MS. ROAM: Of what she's just been talking about,  
12 like, he was angry and the topic of this conversation.

13 HEARING OFFICER SCULLY: Her going to briefing  
14 and -- okay.

15 BY MS. ROAM:

16 Q Okay. So let me ask you this, [REDACTED].  
17 How many times would you say that the Appellant brought  
18 up whether you should -- or told you not to go to  
19 briefing?

20 A Every day that I had to go to work.

21 Q Okay. Why? Why did he not want you to go to  
22 briefing?

23 A He didn't want me to go briefing one, because in  
24 his opinion the station was worthless and that it was  
25 pointless. And two, because he didn't want me talking to

1       anybody, and he didn't want anybody talking to me.

2               Q     Okay.  Now --

3               HEARING OFFICER SCULLY:  Okay.  Can we -- and,  
4       again, this is -- I don't know if that's her speculation  
5       as to what he's thinking, or that's what he said.  But  
6       it's the former, it really is not useful to -- it's not  
7       evidence.  It's just her speculation.

8               So what he said, I'll accept that as evidence.  
9       So when you ask a question like that, I want you to  
10      determine what he told her, not what she, you know, might  
11      think because that's a different issue.

12              MS. ROAM:  Okay.

13              HEARING OFFICER SCULLY:  It's not -- it's not  
14      really evidence.  It's more in the nature of her own  
15      private thoughts, which is not admissible.

16      BY MS. ROAM:

17              Q     Okay.  Did the Appellant ever tell you why he  
18      didn't want you to go to briefing?

19              A     Yes.

20              Q     Okay.  What did he tell you?

21              A     He told me don't go to briefing because it's  
22      worthless.  That station is worthless.  "You don't need to  
23      go to briefing and don't talk to anybody."

24              Q     Okay.  And did you -- let me ask you  
25      specifically.  When he said, "Don't talk to anybody," did

1       you follow that advice?

2           A     Yeah.

3           Q     Okay.  Why?

4           A     Because I -- one, I didn't want to create any  
5 further issues with him.  And two, because I didn't trust  
6 anybody there.  He told me that everybody there was  
7 talking about me behind my back.  And everything that I  
8 ever said to them anyway, they just told him.  So I look  
9 dumb talking to anybody.

10          Q     Okay.  Did you believe him?

11          A     Yeah.

12          Q     Why?

13          A     Because he was a well-respected, you know, Senior  
14 Deputy T.O. there, and he was there a lot longer than me  
15 with a reputation.  So I took his word for his word.

16          Q     Okay.  Now, during this recorded phone call, did  
17 the topic of reaper come up at all?

18          A     Yeah.

19          Q     Okay.  Tell us about that.

20               MR. GOLDFEDER:  I've got an objection.  Now we're  
21 into a whole issue here where she admitted she had her  
22 recollection refreshed behind this phone call.  I don't  
23 understand this line of questioning.  It's not relevant,  
24 and it's not part of the package of the Department.

25               HEARING OFFICER SCULLY:  Overruled.  She's -- I'm

1 going to permit her to talk about her recollection of the  
2 phone conversation as in any phone conversation, she had  
3 with the Appellant. So the objection is overruled.

4 BY MS. ROAM:

5 Q I asked if you could tell us what came up about  
6 reapers?

7 A I brought up the reaper because he was saying,  
8 basically, you're going to see just how far my reach is.  
9 And I interpreted that as, "Why? Because you're a reaper,  
10 and you have a reach."

11 Q Okay. What did he say in response to that?

12 HEARING OFFICER SCULLY: Well, so is that  
13 something you said to him?

14 THE WITNESS: The reaper?

15 HEARING OFFICER SCULLY: Yeah. You said, "Why?  
16 Because you're a reaper you have a reach?" You said that  
17 to him?

18 THE WITNESS: No. He said, "You're going to see  
19 my reach."

20 And I said, "Why? Because you're a reaper?"

21 HEARING OFFICER SCULLY: Okay. And so how did  
22 that conversation go?

23 THE WITNESS: I believe he then told me that, "I  
24 never should have told you anything."

25 HEARING OFFICER SCULLY: Anything else?



1 THE WITNESS: As far as --

2 HEARING OFFICER SCULLY: That conversation. Your  
3 recollection of that conversation.

4 THE WITNESS: It was -- yeah. Just that and,  
5 "Hope you don't get tired at midnight."

6 HEARING OFFICER SCULLY: Meaning, because you  
7 might have to work extra that night on your shift?

8 THE WITNESS: Yeah.

9 HEARING OFFICER SCULLY: Okay.

10 BY MS. ROAM:

11 Q Okay.

12 MR. GOLDFEDER: And, Your Honor, just to put this  
13 on the record. I have no objection if either of the  
14 individuals for the Department want to ask questions so  
15 that we can speed up the process. As long as the Court  
16 Report has the correct names and whatnot. So if they both  
17 want to ask questions, I don't have no objection to that.

18 HEARING OFFICER SCULLY: Okay. Well, they heard  
19 you. So I'm sure if they feel the need, they'll take  
20 advantage of that opportunity.

21 MS. ROAM: Thank you, Mr. Goldfeder.

22 BY MS. ROAM:

23 Q Once you made this recording, [REDACTED], what  
24 did you do with it?

25 A I sent it to my cousin.

1           Q    Okay.  And I want to turn your attention in the  
2   binder to Exhibit 27 all the way in the back.  And take a  
3   look at what is numbered page 2.  At the top of that page  
4   it says, "From [REDACTED], " do you recognize  
5   that e-mail address?

6           A    Yes.

7           Q    Whose is it?

8           A    Mine.

9           Q    Okay.  And then turning back to page one in the  
10  middle of the page where it says, "From,  
11  [REDACTED] to [REDACTED]."  Do  
12  you know who [REDACTED] is?

13          A    It's my cousin Mary.

14          Q    Okay.  And do you recognize what this is?

15          A    It says, "Forward voice recording on it."

16          Q    Okay.  Is this a record of the e-mail that you  
17  sent to your cousin Mary?

18          A    Yeah.

19          Q    And what date was that sent?

20          A    On Wednesday, December 11th, 2013.

21          Q    Okay.  And from what you recall about -- when did  
22  you send the recording to your cousin Mary in relation to  
23  when you made the recording?

24          A    I believe it was immediately after.

25          Q    Okay.  Do you recall about what time you made

1       this recording?

2           A     In the evening, early evening.

3           Q     Okay. All right. And so I want to move on,

4       [REDACTED]. In December of 2013, where were you  
5       living?

6           A     In Norco.

7           Q     Okay. At some point did you move to El Segundo?

8           A     Yes.

9           Q     When was that?

10          A     Either February or March, I believe, of 2014.

11               HEARING OFFICER SCULLY: Did she say Northridge?

12               MS. ROAM: Norco.

13               HEARING OFFICER SCULLY: Oh, Norco. Okay.

14       BY MS. ROAM:

15           Q     Yeah. Make sure to keep your voice up because if  
16       he can't hear you, I guarantee you the court reporter is  
17       probably having a hard time.

18           A     Sorry.

19           Q     And let me ask. You said during this recorded  
20       phone conversation, that you told the Appellant that your  
21       relationship was over; is that correct?

22           A     Yes.

23           Q     Was it over?

24           A     No.

25           Q     Why?

1           A    Because I couldn't get a clean, amicable break  
2           where he wouldn't take it out on my career or my father's  
3           career.

4           Q    Okay.  And had you attempted to break up with him  
5           prior to this December of 2013?

6           A    Yeah.

7           Q    And why did you not just break up with him?

8           A    Because -- because he would show up at my house,  
9           or he would, you know, there would -- it was never -- I  
10          was never able to just break up and then him be gone.

11          Q    Okay.  And when you moved to El Segundo -- I'm  
12          sorry.  You said it was March or April of 2014?

13          A    Either February or March.

14          Q    Okay.  And what was your relationship with the  
15          Appellant like at that time?

16          A    It was pretty toxic but hold and cold -- hot and  
17          cold.

18          Q    Okay.  So there were times that you were dating  
19          and invested in the relationship; is that correct?

20          A    Yes.

21          Q    And -- okay.  Once you moved into your apartment,  
22          do you recall having a surveillance camera installed?

23          A    Yeah.

24          Q    Okay.  Tell us about that.

25          A    It was just a camera that you operate, like, turn

1 on with your cell phone. It was always on but you can,  
2 you know, gain access to the -- whatever it was looking at  
3 through your cell phone. And I had him, Caren, help me  
4 install it because I'm computer illiterate.

5 Q Okay. And you said you viewed or you accessed  
6 the feed for this camera how?

7 A Through your cell phone.

8 Q Okay. And did you install an app on your phone  
9 that allowed you to view the surveillance feed?

10 A Yes.

11 Q Okay. Do you know if the Appellant had an app on  
12 his phone that gave him access to that feed?

13 A Yes.

14 Q Okay. What was the capability of that system?  
15 What exactly did it capture?

16 A As far as I knew, at the time of installation, it  
17 was just visual.

18 Q Okay. And did you access it on your phone?

19 A Yes.

20 Q And when you accessed it on your phone, were you  
21 able to hear any audio?

22 A No.

23 Q Okay. And what was your understanding as to  
24 whether or not the audio -- it had audio capability?

25 A I didn't know that it had audio capability.

1           Q    Okay.  And do you know if the Appellant had  
2           access to your surveillance feed?

3           A    Yes.

4           Q    Did he have your consent to have access to that?

5           A    Probably.  Yeah.

6           Q    Okay.  Did the Appellant have access to any audio  
7           feed?  Did he have consent to have access to any audio  
8           feed, if there were any?

9           A    I was unaware that there was audio.  So it  
10          wouldn't have been a thing of consent or not consent  
11          because I was unaware there was audio, even capable.

12          Q    Okay.  Now, at some point did you become aware  
13          that he was accessing your surveillance feed?

14          A    Yeah.

15          Q    Can you tell us about that?

16          A    So my cousin Mary had come over, and she had  
17          spent the night.  And we were drinking coffee at the  
18          kitchen table, and he had called my cell phone.  I had  
19          answered it.  I don't know what we talked about, but it  
20          was brief.  And I specifically remember looking at my  
21          phone, hanging it up, and, like, locking it, and turning  
22          it upside down putting it on the kitchen table.

23                Then a few moments -- and her and I continued our  
24          conversation.  Then a few moments later I got a text  
25          message from him saying that I didn't hang up my phone,

1 and that he overheard me talking about him. And that I  
2 needed to remember to turn off my phone.

3 Q Okay. How did that make you feel?

4 A Confused, considering I specifically looked at my  
5 phone in order to turn it off in the event that her and I  
6 began talking about him.

7 Q Okay. What did you do when you learned this  
8 information that the Appellant somehow had information  
9 about this conversation you were having with your cousin?

10 A Well, I looked around the room, and then I looked  
11 up at the camera. And then I just had a light bulb  
12 moment, and I disconnected the wire from the wall.

13 Q Okay. Was that the first indication you had that  
14 he may be listening or viewing the inside of your  
15 apartment?

16 A Yeah.

17 MR. GOLDFEDER: Objection. Lack of foundation as  
18 to the answer to the prior question. Heard it on her  
19 phone and sent her a text on the phone.

20 HEARING OFFICER SCULLY: Well, that's something  
21 you're going to have to cover with her on cross-exam. So  
22 overrule.

23 BY MS. ROAM:

24 Q Okay. You said you took the surveillance  
25 camera down; is that correct?

1           A    Yes.

2           Q    Did you leave it down?

3           A    I left it down for a little while, and then he  
4   asked me to put it back up if -- with the promise that he  
5   would never listen in again.

6           Q    Okay. And when you say you took it down for a  
7   little while, how long did you take it down?

8           A    I don't know. Weeks or months or -- I don't have  
9   a timeframe.

10          Q    Okay. But at some point you put it back up; is  
11   that correct?

12          A    That's correct.

13          Q    Okay. And why did you do that?

14          A    Because I believed he wouldn't listen in again.

15          Q    Okay. Were there ever any incidents with  
16   regarding the Appellant and your patrol car keys?

17          A    Yes.

18          Q    Can you tell us about that.

19          A    One evening he came to West Hollywood Station.  
20   Well, he met me at a parking lot off of Almont. He wanted  
21   my cell phone, and I told him no. I wasn't going to give  
22   him my cell phone. And he reached in and took the patrol  
23   car keys out of the ignition out of my patrol car and  
24   drove off with them.

25          Q    Okay. Now, can you do your best to estimate when



1 did that incident happen?

2 A I have no idea but -- I don't know when that  
3 happened. I can't give you a clear-cut precise or even  
4 general date or time or month.

5 Q Were you assigned to West Hollywood Station or  
6 Universal City Walk?

7 A West Hollywood Station.

8 Q Okay. And you said that you were off training at  
9 West Hollywood Station in December of 2013; is that  
10 correct?

11 A Yes.

12 Q Do you know when you were assigned to Universal  
13 City Walk?

14 A I believe it was in -- maybe April.

15 Q Okay. And I just realized I think I misstated.  
16 I said December of 2013. You got off training in  
17 December of 2012; is that correct?

18 A Yeah.

19 Q Okay. And then you said April. How long did you  
20 work at West Hollywood Station before you were assigned to  
21 the substation at Universal City Walk?

22 A From the time I came from I.O.D.?

23 Q Yes.

24 A May be a month or so. Honestly, I can't be sure.

25 Q Okay. And you said you moved into your apartment

1 at El Segundo in March or April of 2014; is that correct?

2 A February or March.

3 Q February or March, sorry. That was before you  
4 were assigned to Universal City walk; is that correct?

5 A Yes.

6 Q Okay. Had he ever taken your patrol car keys  
7 before?

8 A No.

9 Q Had he ever taken your phone before?

10 A Yes.

11 Q How frequently would he take your phone?

12 A Whenever he could get his hands on it.

13 Q Okay. How frequently would that be?

14 HEARING OFFICER SCULLY: Well, how frequently was  
15 it? Not would because would is kind of, again,  
16 hypothetical. How frequently did it happen is what I'd  
17 like to know. How frequently did your phone get taken  
18 away from you by the Appellant? How many times?

19 THE WITNESS: At work I was -- well, no, not at  
20 work. But at home it was usually at least once a week he  
21 would go through it. It was his checks and balances is  
22 what he called it.

23 HEARING OFFICER SCULLY: Okay.

24 BY MS. ROAM:

25 Q Okay. And when he would take your phone did

1       you --

2               HEARING OFFICER SCULLY:  When he did, you know,  
3       again --

4               MS. ROAM:  Thank you.

5               HEARING OFFICER SCULLY:  I want to keep it --

6               MS. ROAM:  It's subconscious.  I will try to be  
7       more deliberate.

8       BY MS. ROAM:

9               Q     When he took your phone, did you see him do  
10      anything with it?

11              A     Yeah.  He would open it up.  I don't know what he  
12      was doing with it.  But, yeah, he would just get into my  
13      phone.

14              Q     Okay.  Did he say what he was doing with your  
15      phone?

16              A     No.

17              Q     Okay.  How long would he spend looking at your  
18      phone?

19              A     A few minutes.

20              Q     Okay.  Did you see him do anything with your  
21      phone?

22              A     I would see him going through it just arbitrarily  
23      opening up apps, opening up contacts, and opening up  
24      messages.  He was just going through it.

25              Q     Okay.  And during the times he would go through

1       phone, did you ever find things were missing from your  
2       phone when you got it back?

3             A     I don't know. I can't remember.

4             Q     Okay. Did he delete anything from your phone?

5             A     Yeah. He had deleted my cousin's phone numbers,  
6       my cousin Jessica. He would delete phone numbers from my  
7       phone.

8             Q     Okay. Did he delete anything else?

9             A     He deleted all those messages that I had saved  
10       and recordings that I had saved.

11            Q     Okay. And did you ever -- did you ever tell him  
12       not to take your phone?

13            A     All the time.

14            Q     Okay. Did you ever ask him not to go through  
15       your phone?

16            A     All the time.

17            Q     Did you ever ask him not to take things or delete  
18       things from your phone?

19            A     All the time.

20            Q     Okay. What did he say in response when you told  
21       him not to take your phone?

22            A     I can't remember any specific response other than  
23       just ignoring me and doing what he wanted.

24            Q     Okay. Now, when you were assigned to West  
25       Hollywood Station, did the Appellant ever come by when you

1       were working?

2           A    Yes.

3           Q    How often?

4           A    Whenever he had an R.D.O.

5           Q    Okay.  And what is an R.D.O.?

6           A    A regular day off.

7           Q    Okay.  And so safe to say when he came by he was  
8 off duty?

9           A    Yes.

10          Q    And how long would he stay?

11          A    A few hours.

12          Q    Okay.  And did -- do you know if any supervisor  
13 ever told him not to come to the station or station area  
14 while you were working?

15          A    Yeah, [REDACTED].  Well, she was a  
16 sergeant at the time.

17          Q    And how do you know that?

18          A    Because he told me that she told him that.

19          Q    Okay.  Do you know -- well, let me strike that.

20          A    I believe I was even in dispatch when she came in  
21 and told him that he couldn't be coming around.

22          Q    Okay.  When you were in dispatch and  
23 [REDACTED] came in and told him he couldn't be  
24 there, what was he doing in dispatch?

25          A    He was actually helping out the station and

1       dispatching calls.

2               Q     Okay. And how often would he do that?

3               A     That was the only time that I know of.

4               Q     That he was dispatching calls?

5               A     Yeah.

6               Q     Okay. So I want to take you to September of 2014  
7 and ask you about an incident that happened after you went  
8 to Rock and Brews. Do you know what incident I'm talking  
9 about?

10              A     Yes.

11              Q     Okay. Can you tell us what happened?

12              A     So leading up to that event?

13              Q     Yes.

14              A     Okay. So my girlfriend Candice came out from  
15 Murrieta, and her and I walked over to Rock and Brews.  
16 It's a little bar/eatery down the street from where I was  
17 living at the time. And Caren had told me earlier that he  
18 was going to be going out and meeting friends for drinks.

19                    And I said, "Okay, you know, that's great. This  
20 is where I'm at. I'm at Rock and Brews with Candice. If  
21 you want to stop by and have a drink, you're more than  
22 welcome to stop by and have a drink with us."

23                    So he came over and met us at Rock and Brews and  
24 continued to, you know, have a drink with us, and he  
25 never, you know, left. He never went anywhere with his

1 friends. He stayed the entire time. And my girlfriend  
2 and I were talking about -- just reminiscing about high  
3 school. And I remember the conversation just getting  
4 really contentious with him. He was getting aggravated  
5 over us talking about high school and just high school  
6 experiences.

7 It got really uncomfortable, to a point where we  
8 just decided to go back to my house. And he had been  
9 drinking, and he had driven his vehicle there. He had  
10 been drinking, so he walked back to my apartment with us.  
11 And it was just an uncomfortable experience. He was, you  
12 know, it was just uncomfortable.

13 My friend felt that, you know, it was an  
14 uncomfortable situation. So when she got back, she left.  
15 And then he and I proceeded to get into an argument. He  
16 was again -- I'm sorry.

17 Q Just let me stop you real quick. You said this  
18 was a very uncomfortable situation. Why was it  
19 uncomfortable?

20 A Just the comments that he was making was just --  
21 the comments and demeanor and the questions he was asking  
22 regarding what we were talking about in high school,  
23 regarding, you know, high school. He was just angry about  
24 it, and she was uncomfortable. And it was an  
25 uncomfortable -- just, you know, left a sour taste in all

1 of our -- in mine and her mouth.

2 Like, this was just supposed to be a fun evening,  
3 the girls. He was just going to stop by for a drink, and  
4 he ended up staying the whole time and turning this into a  
5 hostile environment. It just felt uncomfortable.

6 Q Okay. And so you said you walked -- you all  
7 walked back to your apartment. And what happened next?

8 A She left and --

9 Q Was she planning to leave or stay?

10 A She wasn't planning on leaving at that time  
11 because it was -- it would have put her on the road  
12 during, like, rush hour traffic from L.A. back to  
13 Murrieta.

14 Q Okay. So she left sooner than she was planning  
15 to leave?

16 A Yes.

17 Q Okay. And what happened after Candice left?

18 A We got into an argument and he -- I told him he  
19 needed to leave. I didn't want him there. He had to go.  
20 I thought he was going out with his friends anyway. "So  
21 go hang out with your friends." And he grabbed my phone  
22 from me, and, you know, struggled. We basically struggled  
23 over the phone. I wanted my phone back, and he wouldn't  
24 give it back. And it got physical.

25 He pushed me off of him, and then he grabbed me



1 by my neck and took me over to the couch and strangled me  
2 while I tried to get -- I was trying to get my phone, but  
3 it was -- yeah. And so he took me over to the couch, and  
4 I somehow managed to flip over on my back, and I was  
5 trying to kick him off of me, and he started strangling  
6 me.

7 And he let me go, and I tried to run into my  
8 bedroom, the only lock that was on the door. I tried to  
9 close the door to lock it, and he put his foot out to stop  
10 the door from closing and put a hole through the door.  
11 And at some point in there, he had ripped my pants, like,  
12 from the button all the way down the leg, my Jean pants.  
13 And at some point he went into my closet and just started  
14 trying to pull clothes apart off of the hangers and tear  
15 them.

16 Q Okay. When you said that he strangled you.  
17 Describe how did that happen?

18 A He puts his hand around my throat and squeezed.

19 Q Okay. Were you able to breathe?

20 A No.

21 Q How did you feel?

22 A I thought that I was going to die in Caren's  
23 blackout rage over my cell phone.

24 Q Okay. And after he went into the bedroom and  
25 began taking your clothes off the hangers, what happened

1 next?

2 A He still had my cell phone, and he -- I just  
3 said, "Forget it. Just get out of my house. I don't even  
4 care." And he left with my phone.

5 Q Okay. And what happened after that?

6 A He left. I found an old cell phone and -- I  
7 mean, got on my computer and tried to track my phone and  
8 contemplated whether or not I should wipe it, you know,  
9 from the "Track My Phone" app or just leave it on.

10 Because, you know, I would be able to somehow  
11 find out where my phone is, where he was. And the phone  
12 would keep going on and then turning off. He'd turn it on  
13 and turn it off. And I went into the bathroom and I saw  
14 the marks on my neck and my arms. So I found an old phone  
15 and took pictures of them.

16 Q Okay. Do you know how you got the marks from  
17 your neck?

18 A From being strangled.

19 Q Okay. Do you know how you got the marks on your  
20 arms?

21 A From being pulled.

22 Q Okay. I want to turn your attention to some  
23 pictures that are in this binder, and it's going to be  
24 Department's Exhibit 19. Page 1 has two pictures. What  
25 is this a picture of? What are these pictures of?

1 A My bedroom door.

2 Q Okay. And who took these pictures?

3 A I did.

4 Q Okay. And the damage that you just talked about,  
5 is that shown on the door?

6 A Yes.

7 Q And how did that damage occur?

8 A By Caren putting his foot up to the door when I  
9 tried to close it to lock him out.

10 Q Okay. And before this incident with him, was the  
11 door damaged like that?

12 A No.

13 Q Okay. And turn to page 2. What is this a  
14 picture of?

15 A Well, it's a poor picture of bruising on my neck.

16 Q Okay. And you took this picture?

17 A Yes.

18 Q And did you view this picture during your  
19 interview with Lieutenant [REDACTED]?

20 A Yes.

21 Q And did you write the A.T. and your employee  
22 numbers at the bottom of that page?

23 A Yes.

24 Q And the circle is for what? Or there's two  
25 circles. What are those for?

1           A    That's where the injury is.

2           Q    Okay.  And then page 3 there appears to be a pen  
3 circle there on that picture of the -- was that the right  
4 side or left side of your face?

5           A    The left side.

6           Q    Okay.  And what was that a photo of?

7           A    An injury.

8           Q    Okay.  And how did you sustain that injury?

9           A    Through being strangled.

10          Q    Okay.  And then on page 4, what does that show?

11          A    My right arm and bruises from the incident.

12          Q    Okay.  And prior to this incident with the  
13 Appellant, did you have those marks in your arms?

14          A    No.

15          Q    And then page 5?

16          A    My left arm and bruising to them.

17          Q    Did you have these marks prior to this incident  
18 with the Appellant?

19          A    No.

20          Q    Okay.  And page 6?

21          A    Again, it's marks on my chest and my neck from  
22 injuries sustained during this struggle.

23          Q    Okay.  Do you recall which hand the Appellant  
24 used when he was strangling you?

25          A    No.

1 Q Okay. Page 7, what is that a picture of?

2 A Injury to the left side of my neck.

3 Q Okay. Page 8?

4 A The same.

5 Q Okay. All right. And, [REDACTED], how long  
6 did you have these bruises?

7 A About a week.

8 Q Okay. Was there -- did the Appellant ever say  
9 anything to you about these bruises?

10 A He apologized to me for putting his hands on me.  
11 He promised that he would never do it again. And I had to  
12 attend my cousin's wedding that week, and he asked me what  
13 I was going to do to cover them.

14 Q Okay. What did you tell him?

15 A That I'd have to wear something with a high neck  
16 to cover it.

17 Q Okay. Where was this wedding?

18 A In Arizona.

19 Q Okay. And did you show anyone else these  
20 bruises?

21 A No.

22 Q After this incident or immediately after this  
23 incident, did you call 911?

24 A No.

25 Q Why?

1           A    I didn't call 911 because it was Pandora's box,  
2           and I didn't want to open it. I didn't want the  
3           Department involved. I didn't want him getting in  
4           trouble. I didn't want -- I didn't want any of that.

5           Q    Why?

6           A    Because I didn't want any of this.

7           Q    Okay. Did you -- you mentioned earlier you were  
8           concerned about your dad getting in trouble. Where does  
9           your dad work?

10          A    He works at T.S.T.

11          Q    Okay. So is he a deputy sheriff?

12          A    Yes.

13          Q    Did you ever tell your dad about this domestic  
14          violence incident?

15          A    No.

16          Q    Why?

17          A    One, I just didn't want there to be that type of  
18          animosity between the two. I didn't want -- I didn't tell  
19          anybody about it Department related or my family related.  
20          I didn't want it to be their judgment on maintaining or  
21          staying in the relationship with someone that was  
22          physically and mentally abusive, and I didn't tell him.

23          Q    Did you tell your mother?

24          A    No.

25          Q    Why?

1           A    For the same reason.

2           Q    Okay.  Had your mother expressed to you any  
3 concerns about the Appellant?

4           MR. GOLDFEDER:  Objection.  Now we're getting  
5 into multiple areas of hearsay.

6           HEARING OFFICER SCULLY:  Well, overruled.  
7 Hearsay is admissible in an administrative hearing.

8 BY MS. ROAM:

9           Q    Do you know how your mother felt about the  
10 Appellant?

11          MR. GOLDFEDER:  Objection.  Calls for speculation  
12 as to someone else's state of mind.

13          HEARING OFFICER SCULLY:  Sustained.

14 BY MS. ROAM:

15          Q    Did your mother ever tell you how she felt about  
16 the Appellant?

17          MR. GOLDFEDER:  Objection.  Now it's based upon  
18 hearsay, and there's no foundation as to the opinion as to  
19 someone else's state of mind.

20          HEARING OFFICER SCULLY:  Well, I'll overrule it,  
21 but it's marginal relevance.  But I'll ask you ask it.

22          THE WITNESS:  My mother let him know how she felt  
23 about him when he came over to her house one day when I  
24 still lived in Norco in their home.  And she answered the  
25 door, told him he was not welcome in her home, never to

1       come back, and that she was in fear for my safety every  
2       time I went anywhere with him.

3               HEARING OFFICER SCULLY:   Okay.   And when was  
4       that?

5               THE WITNESS:   That was just before I moved out of  
6       her home to El Segundo, so like January or February  
7       of 2014.

8       BY MS. ROAM:

9               Q    Okay.   And was that part of the reason why you  
10       didn't tell your mom about what happened?

11              A    Yeah.

12              Q    Okay.   And why was that?

13              A    Why did she say that?

14              Q    No.   Why -- how did her opinion of him affect  
15       your decision not to tell her about this domestic violence  
16       incident?

17              A    Because, again, I -- one, she had, you know,  
18       already had that mother's intuition.   Two, not that I  
19       didn't want to give her that satisfaction, but it was  
20       embarrassing that she was right.   I should have listened  
21       to her all along, take her advice, and I didn't.   So I  
22       left my family out of it.

23              Q    Okay.   After this incident, did you -- in that  
24       evening -- did you speak to the Appellant?

25              A    Yes.



1           Q    Okay. Tell us what happened?

2           A    So after -- after everything, I decided to get in  
3 my car and just drive to the general vicinity of where I  
4 thought he would have parked when he met us at Rock and  
5 Brews. And I found him in his car with my phone. And I  
6 said, "Can you just please give me my phone back?"

7                   And he said, "Meet me at your house."

8                   So I drove back to my house. He followed me.  
9 And we had a conversation in my driveway, smoked a couple  
10 of cigarettes, and I told him it was over. That it was  
11 unacceptable for him to put his hands on me. And he  
12 apologized profusely and begged me not to leave him, and I  
13 didn't.

14                  I just said, "I want to be left alone for the  
15 evening. Would you just give me my phone and leave, and  
16 we'll talk about this later." And he left.

17           Q    Okay. So when he left, you had not made a clean  
18 break from him; is that correct?

19           A    Correct.

20           Q    Okay. Why?

21           A    Because I -- again, I was still fearful of him  
22 and even more so at that point than anything.

23           Q    Okay. What was the Appellant's demeanor like  
24 during this incident where he was strangling you?

25           A    Like -- it was like it wasn't even him. It

1       was -- he was so angry. It was like I said, it was like a  
2       blackout rage.

3           Q     And when he strangled you, did he say anything to  
4       you?

5           A     He blamed me. He said, "Look at what you've made  
6       me do."

7           Q     The damage that we saw to the door on Exhibit 19,  
8       page 1, was that damage caused by a cat toy?

9           A     No.

10          Q     So after this incident -- this domestic violence  
11       incident of September of 2014, describe your relationship  
12       with the Appellant?

13          A     It was just going downhill from there. I just --  
14       I was afraid of him. I -- and that was that. It was  
15       just, again, you know, he promised that he would never do  
16       that again. He promised, you know. He apologized for  
17       being so difficult to deal with. And it just was, again,  
18       an on and off but never really off rocky relationship.

19          Q     Okay. How did you feel about this relationship  
20       at that point?

21                HEARING OFFICER SCULLY: At what point? Are we  
22       talking about September of 2014?

23                MS. ROAM: Yes.

24                HEARING OFFICER SCULLY: Okay.

25                THE WITNESS: Trapped.

1 BY MS. ROAM:

2 Q Okay. And why did you feel trapped?

3 A Because I still felt like if I was -- in order to  
4 break up with him, it would need to be an amicable break  
5 up, where it wasn't because anybody did something wrong.  
6 It was just we need to go our separate ways. This is an  
7 unhealthy toxic relationship, and we need to just be  
8 adults about it. But it would never end that way.

9 Q Why was it important for you for it to be an  
10 amicable break?

11 A So that he wouldn't have any hostility towards  
12 me, and try to follow through on his threats of affecting  
13 my career or my father's.

14 Q Okay. During the course of your relationship,  
15 did the Appellant ever call you names?

16 A Yeah.

17 Q What did he call you?

18 A Bitch. Whore. Slut. Cunt.

19 Q Why did he call you those names? Did he say?

20 A Because he -- because he thought I was a whore.  
21 Because he thought I was a slut. Yeah.

22 Q Okay. What did you think? Was he right?

23 A I don't think he's right. I don't think I'm any  
24 of those things. I think I'm [REDACTED].

25 Q Okay. How did you feel about it when he would

1 call you those names?

2 A I mean, it doesn't feel good to be called those  
3 names, but at the end of the day I know I'm not those  
4 things.

5 Q Did he ever say why he called you those things?

6 A Yeah. Because I had dated other people on the  
7 Department, and I've -- that made him uncomfortable, in my  
8 opinion.

9 HEARING OFFICER SCULLY: Can we -- are we talking  
10 about before they met, after they separated, or while they  
11 were together -- the dating? I mean, it's not that I --  
12 I'm not sure this whole area is really highly important.  
13 But you asked why, so I'm just trying to understand the  
14 answer about dating other people.

15 MS. ROAM: Sure. Okay.

16 BY MS. ROAM:

17 Q At what point -- were you dating other people  
18 while you were dating him?

19 A No.

20 Q So when he expressed his feelings about you  
21 having dated other people, when had you dated them?

22 A Years before him.

23 Q Okay. How did he know that you had dated these  
24 other people?

25 A He had asked me about who I dated on the

1 Department.

2 Q Okay. Now, did the Appellant ever have keys to  
3 your apartment?

4 A Yeah.

5 Q When did he have keys to your apartment?

6 A He had keys to my apartment for -- I would say  
7 roughly about a month. I had gone out of town, and he was  
8 looking after my cat. But when I would go out of town for  
9 a month, I was only gone for a few days a week, maybe a  
10 week. And, I mean, I didn't immediately tell him, "Oh,  
11 okay. I'm home now. Thanks. Can I have my keys back."

12 It wasn't really -- he just had them and then I  
13 got them back from him.

14 Q Okay. Did he have an extra set of keys during  
15 the time that you were living there the entire time you  
16 lived in the El Segundo apartment?

17 A No.

18 Q Okay. So it was just this one-month period?

19 A Yeah.

20 Q And did he have keys because he was living with  
21 you?

22 A No. He's never lived with me.

23 Q Okay. Would the Appellant stay over at your  
24 house?

25 A Yeah.

1 Q How often?

2 A Three or four times a week.

3 Q Okay. But he did not have a set of keys during  
4 the time he was staying over at your house; is that  
5 correct?

6 A Correct.

7 Q Okay. Now, did the Appellant have back surgery  
8 on September the 3rd?

9 A No.

10 Q Did you --

11 A He did have a surgery, but it wasn't a back  
12 surgery.

13 Q Okay. Did you take care of him after he had his  
14 surgery?

15 A No.

16 Q Now, there are two incidents that you videotaped  
17 on your iPhone; is that correct?

18 A Yes.

19 Q Okay. I want to show you -- well, let me ask  
20 you. The first incident that you videotaped, do you  
21 recall when that incident happened?

22 A The first -- I don't -- I mean, it was after, I  
23 don't know, maybe the later part of the year of 2014.

24 MR. GOLDFEDER: Invitation is still open,  
25 Counsel. I'll stipulate to December 27, 2014.

1 MS. ROAM: Sure.

2 BY MS. ROAM:

3 Q Do you recall December 27 of 2014, as being a  
4 date that's been -- that you reported this to -- that this  
5 happened -- strike that.

6 Do you recall telling El Segundo officers that an  
7 incident happened on December 27, 2014, that you  
8 videotaped?

9 A I videotaped an incident. Whether it was  
10 specifically that date, I can't say for sure if it was  
11 that date. But it would have been generally that  
12 timeframe.

13 Q Does the end of December of 2014 sound about  
14 right?

15 A Yes.

16 Q And what was your relationship with the Appellant  
17 at that time?

18 A The daytime video?

19 Q Yes.

20 A I'm not sure if we were broken up or together at  
21 the time. I know that I did break up with him for good in  
22 December of 2014. So I don't know if it was this  
23 specific -- before this specific day or after, but it was  
24 that month.

25 Q Okay. Between September, when this domestic

1 violence incident happened and when you recorded this  
2 daytime incident of him on your balcony, how many times  
3 would you estimate that you had attempted to break up with  
4 the Appellant?

5 HEARING OFFICER SCULLY: Well, can we -- I guess  
6 I can allow that. I'll allow that question subject to  
7 cross-examination. Because, again, we don't know what she  
8 considers an attempt to break up. So I'm not sure what  
9 that means, but I guess that's more for cross. So go  
10 ahead you can ask the question.

11 BY MS. ROAM:

12 Q Did you try to break up with the Appellant  
13 between September of 2014 and December of 2014?

14 A Yes.

15 Q And you described your relationship as kind of on  
16 and off during that time; is that correct?

17 A Well, on and off but, like, more on than not  
18 because there was never any real length of time between me  
19 saying it's over and then him coming over and it not being  
20 over.

21 Q Okay. During this time that you are on, how do  
22 you feel about the relationship?

23 A I feel trapped.

24 Q Okay. Why?

25 A Because I haven't been able to make a clean exit,



1       which is what I really want.

2           Q     Okay.  And I want to show you a video and see if  
3     you recognize this.

4           MS. ROAM:  And, again, I would stipulate that the  
5     reporter doesn't need to -- to the extent there's any  
6     audio on these videos -- doesn't need to take it down.

7     BY MS. ROAM:

8           Q     Do you recognize what we're looking at here?

9           A     Yeah.  That's my kitchen and sliding-glass door.

10          HEARING OFFICER SCULLY:  Just so I have a record,  
11     what exhibit number is this?

12          MS. ROAM:  This is Exhibit 29.  I believe it's  
13     29.  Let me double-check.  This is from Exhibit 29.  
14     Exhibit 29 is the CD in the evidence binder.  On that CD  
15     there are two folders.  One is marked video files, and one  
16     is marked audio files.  This is one of nine video files  
17     that are contained on that CD.

18          HEARING OFFICER SCULLY:  Okay.  And this video  
19     was taken on December 27th, 2014?

20          MS. ROAM:  Yes.

21          HEARING OFFICER SCULLY:  Okay.

22     BY MS. ROAM:

23          Q     All right.  And what do we see in this video?

24          A     I see my kitchen and sliding-glass door.

25          Q     Okay.  And do you know why you took this video?

1 Well, let me ask you. Did you take this video?

2 A Yes.

3 Q Okay. Do you know why you took this video?

4 A Because he -- because Caren was trying to get  
5 into my house.

6 Q Okay. Now, how do you know that the Appellant  
7 was trying to get into your house?

8 A Because he was --

9 Q Okay. Before you started videotaping this, what  
10 did you know? Why did you start video taping this?

11 A Because he was messing with the screen on my  
12 door -- my window, I'm sorry, in my living room. And he  
13 had gotten in through the window once before, but I had  
14 put a lock on it. So he had taken the screen down on that  
15 and was knocking on the door and knocking on the window.  
16 So I decided to record it.

17 Q Okay. Did he know that you were home?

18 A Not that I'm aware of, no.

19 Q Had he tried to call?

20 A No. Or -- no, I take it back. Yes, he had tried  
21 calling me. I did not answer his calls.

22 Q Okay. And then this is the -- and just for the  
23 record, the first video that I played was image 0700 and  
24 now I'm playing 0702.

25 (Wherein a video is played.)

1 BY MS. ROAM:

2 Q Okay. Was this video taken at the same time as  
3 the previous video that we just saw?

4 A Yes.

5 Q Okay. And what was Appellant doing?

6 A He was trying to pry the door off the track with  
7 a -- like an attachment for a weight bench, a workout  
8 bench.

9 Q Okay. Now, I'm playing video 703.

10 (Wherein a video is played.)

11 BY MS. ROAM:

12 Q Okay. What was the Appellant doing there?

13 A He had a hold of a broomstick.

14 Q Okay. What was he doing with the broomstick?

15 A He was also trying -- well, in this video he's  
16 holding it, but he was also using that to try to pry the  
17 door off the hinges.

18 Q Okay. Did you tell him to stop?

19 A Yes.

20 Q Okay. Was he welcome?

21 A No.

22 Q And did you provide those videos to El Segundo  
23 Police Department?

24 A Yes.

25 Q Okay. How did that make you feel?

1                   MR. GOLDFEDER: Supplying the videos to the  
2 El Segundo police Department?

3                   MS. ROAM: Thank you, Counsel. I'll withdraw and  
4 re-ask.

5 BY MS. ROAM:

6                   Q The Appellant showing up and attempting to get  
7 into your apartment, how did that make you feel?

8                   A Irritated. Violated. Like I just want to be  
9 left alone. So why can't I just be left alone?

10                  Q Okay. Had the Appellant been inside your  
11 apartment prior to this incident?

12                  A No.

13                  Q Had you locked him out of the apartment?

14                  A I locked him out and said --

15                  Q Had he gone out to have a cigarette and you  
16 locked him out?

17                  A No.

18                  Q Did he have a backpack in your apartment?

19                  A No.

20                  Q Did he have his keys in your apartment?

21                  A No.

22                  Q Did he ask you if he could come in and get his  
23 County issued property?

24                  A No.

25                  Q Do you know if he had his gun or his badge in

1       your house?

2           A     He had nothing in my house.

3           Q     And the video that we saw where he's crouched  
4       down, where is that on the slider?  And let me just show  
5       you a video or a photograph in the sleeve of the binder  
6       there.  Just pull out a -- there's a stapled document  
7       marked Exhibit 52, and if you would take a look at --  
8       there's a photograph 1, 2 -- these aren't numbered.  It  
9       appears to be the 4th photograph of a sliding-glass door.

10          A     Yes.

11          Q     Do you see that?  Are we looking at the same one?  
12       Where the Appellant was kneeling and prying, can you tell  
13       us where on the door this was happening?

14          A     It was on the -- this portion of the door.

15          Q     Okay.  Is that the center of the door?

16          A     Yes.

17          Q     That's where the two meet?

18          A     Yes.

19          Q     Okay.  And so -- all right.  Now, prior to the  
20       Appellant coming to your house, what were you doing?  And  
21       you can go ahead and put that exhibit away.  Prior to him  
22       coming over, what had you been doing?

23          A     I don't know what I had been doing.

24          Q     Okay.  But you were not with the Appellant; is  
25       that correct?

1           A    No, no.  Not with him at all.

2           Q    Okay.  After this event happened where you took  
3 video of him trying to get into your apartment, did you  
4 invite him into your apartment?

5           A    No.

6           Q    Did you show him the video?

7           A    No.

8           Q    Did you guys laugh about the video?

9           A    Absolutely not.

10          Q    Okay.  When he attempted to enter your apartment  
11 on December of 27th, did you notify law enforcement?

12          A    No.

13          Q    And let me ask you, why not?

14          A    Again, I never wanted to get the Department  
15 involved.  I never wanted to open Pandora's box.  I never  
16 wanted him to get in trouble.  I didn't want him to lose  
17 his job.  I didn't want any of this.

18          Q    Okay.  Did you tell your father?

19          A    No.

20          Q    Did you notify the Department?

21          A    No.

22          Q    Did you ever threaten -- did you ever tell him  
23 that you were going to get the Department involved?

24          A    If he didn't stop his behavior, yes.

25          Q    Okay.  Now, was the Appellant apologizing for

1 anything here?

2 A No.

3 Q Okay. Now, there's another series of videos I  
4 want to show you. And you said that your relationship  
5 with the Appellant at this point was it --

6 A Over.

7 Q Over?

8 A Yeah.

9 Q Okay. Now, you had occasion to take videos of  
10 another incident; is that correct?

11 A Yes.

12 Q Okay. Before I show those videos or a nighttime  
13 video, tell us what happened prior to you making these  
14 videos.

15 A To this next set of videos?

16 Q Yes. There's a series of -- I have four videos.

17 A Okay. I was at work working at Universal  
18 Studios, and he showed up to my work uninvited,  
19 unannounced, and I saw him in our briefing room. So I  
20 left our briefing room, and I went -- I went into my  
21 locker room. I changed out really quick. I didn't tell  
22 anybody I was leaving. I changed, and I left.

23 I left, I want to say -- I don't even know. I  
24 left early, and I didn't get permission. I didn't. I  
25 just left. I changed, and I left. I drove as fast as I

1       could home to get inside my house and lock the door.

2           Q    Okay.  When did this incident occur?  Do you  
3       recall the month and year?

4           A    It was, I believe, January of 2015.

5           Q    Okay.  And had the Appellant shown up at your  
6       work like this prior to this evening where you left early?  
7       Had he ever shown up at Universal?

8           A    Yes.

9           Q    Okay.  And what was his purpose when he would  
10      come to Universal?

11          A    He said that he was there drinking with friends.

12          Q    Okay.  And --

13               HEARING OFFICER SCULLY:  Is this, like, every  
14      time he showed up?  One time?  I mean, how many times did  
15      he show up?  This is like, again, this has got to be clear  
16      when you put something like that on the record.  It's got  
17      to be clear.  How many times did he come there?  And I'd  
18      like the dates that, you know, she worked at Universal, so  
19      I know.  Okay.  Between this date and this date, she was  
20      at Universal, and the Appellant came to her work, you  
21      know, one time or twice a week or, you know, three times a  
22      night, or whatever it is.

23               But when you have these general -- it's too broad  
24      of a stroke that you're painting, and I need specifics to  
25      really focus in on what actually happened.



1 BY MS. ROAM:

2 Q Okay. So let's limit it to between the time of  
3 him -- this daytime video that was taken on  
4 December the 27 of 2014, and now January of 2015. During  
5 that period of time, had the Appellant ever shown up at  
6 Universal City Walk while you were working?

7 A Well, on this specific night, yes, he did. As  
8 far as how many times between December 27th and this  
9 video, I can't tell you for sure how many times.

10 Q Okay. Prior to you making this video, do you  
11 have an estimate of how many times he would show up at  
12 Universal?

13 A Once a week. Once or twice a week. It just  
14 depended on what he was doing. I mean, it got to the  
15 point where I even got written-up for him being there.

16 Q Okay. Did you tell him not to come?

17 A Yeah.

18 Q And what did he say?

19 A I don't remember what he would have said.

20 Q Okay. All right. So on this particular night,  
21 what time were you supposed to get off work?

22 A 4:00.

23 Q 4 o'clock. And so you said you went into the  
24 substation, and you saw the Appellant, and you decided to  
25 leave early; is that correct?

1           A    Yeah.

2           Q    Okay.  So what happened?

3           A    I got home.  I locked the door, and he started  
4   pounded on my screen door, which is more like a security  
5   screen on my front door.  He was pounding on that.  And  
6   then he went around to the back and was pounding on the  
7   sliding-glass door.  And he then went to my bathroom  
8   window and was able to open the window and get part of his  
9   body through that window.

10          Q    Okay.  In January of 2015 when, this happened,  
11   were you guys still a couple?

12          A    No.

13          Q    And so it was clear that your relationship was  
14   over?

15          A    Yes.

16          Q    Okay.  When did you finally break up with him?

17          A    In December.

18          MS. ROAM:  Okay.  All right.  So I want to play a  
19   video.

20                       (Wherein a video is played.)

21   BY MS. ROAM:

22          Q    Okay.  That was a very brief video.  What did we  
23   see in that --

24          MR. BOLLINGER:  Show it again for the Hearing  
25   Officer.

1 HEARING OFFICER SCULLY: I didn't see it.

2 MS. ROAM: All right. And just for the record,  
3 this is image 777.

4 (Wherein a video is played.)

5 BY MS. ROAM:

6 Q And what do we see in this video?

7 A My kitchen and sliding-glass door.

8 Q Okay. And why did you begin filming?

9 A Because he was trying to get into my house.

10 Q Okay.

11 HEARING OFFICER SCULLY: Well, if he's trying to  
12 get into the house, why is the video only, like, four or  
13 five seconds long?

14 THE WITNESS: I don't know if it was just nerves,  
15 and I kept turning it off and turning it on, turning it  
16 off and turning it on. I don't know why I didn't take one  
17 long stream recording of it, but there's multiple.

18 HEARING OFFICER SCULLY: Okay.

19 MS. ROAM: Okay. And so now I'm going to play  
20 image 778.

21 THE WITNESS: It could very well -- sorry to  
22 interrupt. It could very well be because he was calling  
23 me obsessively, and I wasn't answering. So that could be  
24 why the video kept getting interrupted.

25 ///

1 BY MS. ROAM:

2 Q Okay. So if you are video recording and a call  
3 comes in, does it turn the video off?

4 A Yeah.

5 Q Okay.

6 (Wherein a video is played.)

7 BY MS. ROAM:

8 Q Can you hear anything in that video? Let me play  
9 it one more time.

10 (Wherein a video is played.)

11 THE WITNESS: Yeah. He's at my back door.

12 MS. ROAM: Okay. And then I'm going to play 779.

13 (Wherein a video is played.)

14 BY MS. ROAM:

15 Q Okay. And I heard you say, "You need to leave."  
16 Did the Appellant say anything to you?

17 A It sounded like he said, [REDACTED] in the  
18 background. I can't make out what else he said.

19 BY MS. ROAM: Okay. And then I'm going to play  
20 780.

21 (Wherein a video is played.)

22 BY MS. ROAM:

23 Q Okay. So what was happening in that video?

24 A He's asking me to talk. He wanted to talk about  
25 where I was going to -- I expressed to him I needed to

1 move on with my life. He needed to move on with his that  
2 this is not a healthy relationship. He needed to leave me  
3 alone so that I could find somebody that I could be in a  
4 real relationship with that wasn't going to be toxic.

5 And it was, "Well, where are you going to find  
6 this person? Who is this? Who is that going to be?" And  
7 he wanted me to come out and talk to him. He just wanted  
8 to talk, and I didn't want to talk.

9 Q Okay. And so prior to you getting home -- I'm  
10 going to take you from the time you left the station to  
11 when you got home. Did you have any conversation with the  
12 Appellant?

13 A Yes.

14 Q Okay. Tell us about that?

15 A The conversation was exactly what I just said. I  
16 explained to him that, again, "It's over. We're never  
17 going to get back together. It's a toxic relationship.  
18 It's a relationship that's going nowhere, and I want to be  
19 left alone. Leave me alone so I can move on from this and  
20 find somebody that would be worth my while."

21 HEARING OFFICER SCULLY: Can I just clarify  
22 something?

23 MS. ROAM: Yes.

24 HEARING OFFICER SCULLY: You left work after he  
25 had come there, and he called you on the phone?

1 THE WITNESS: Yeah.

2 HEARING OFFICER SCULLY: So you were driving  
3 home; right?

4 THE WITNESS: Yeah.

5 HEARING OFFICER SCULLY: And you knew he was in  
6 his car?

7 THE WITNESS: Well, I didn't know that he was in  
8 his car at the time exactly, because I was hoping that I  
9 had gotten out of there prior to him ever realizing that I  
10 was gone to avoid any incidents on the freeway.

11 HEARING OFFICER SCULLY: Okay. So he didn't tell  
12 you, "I'm coming to see you at your home"? Did he ask you  
13 where you were going? How come you left work?

14 THE WITNESS: No. He didn't ask anything like  
15 that.

16 HEARING OFFICER SCULLY: Well, he obviously must  
17 have known you left work; right?

18 THE WITNESS: Yeah.

19 HEARING OFFICER SCULLY: Because you wouldn't be  
20 able to have a long conversation with him about the  
21 relationship if she's -- if you're still at work; right?

22 THE WITNESS: Right.

23 HEARING OFFICER SCULLY: So he didn't tell you,  
24 "I'm following you. I'm coming home. I want to talk to  
25 you. I need to talk to you"?

1           THE WITNESS: He was talking to me and at that  
2 point when he was on the phone, I realized that he was on  
3 his way. I don't know where he was going. I was hoping  
4 that it wasn't my house. But the reason why I left when I  
5 left was because prior to -- I've had a prior incident  
6 with him where he followed me home -- or gone to my work  
7 and then followed me home and would get in front of me on  
8 the freeway and slam on his brakes and harass me on the  
9 freeway. I was trying to avoid all of that.

10           So that's -- I assumed that he would eventually  
11 leave work -- or leave my place of work and follow me  
12 home. Which is why I left early without saying anything  
13 to anybody because I wanted to be on the freeway and away  
14 from him with enough time to not have any incidents on the  
15 freeway and get home to lock the door and be in my home  
16 before he had a chance to be right behind me.

17           HEARING OFFICER SCULLY: So when he showed up at  
18 your home it was not a surprise?

19           THE WITNESS: No. I wasn't surprised by any  
20 means that was going to happen.

21           HEARING OFFICER SCULLY: Okay.

22 BY MS. ROAM:

23           Q How soon after you go into your house and locked  
24 your door did the Appellant begin banging on your door?

25           A It was almost immediate.

1 Q So he was right behind you --

2 A Yeah.

3 Q -- following you home?

4 A Yeah.

5 HEARING OFFICER SCULLY: Is this -- do you have  
6 another video?

7 MS. ROAM: Yes.

8 HEARING OFFICER SCULLY: Okay. We're going to  
9 take our afternoon break as soon as after this video.

10 MS. ROAM: I have two short videos, and then that  
11 would probably be a good time to take a break.

12 HEARING OFFICER SCULLY: Okay.

13 MS. ROAM: I'm going to play image 781 now.

14 MR. BOLLINGER: Are these the dark ones?

15 MS. ROAM: Yes.

16 MR. BOLLINGER: Shall I lower the lights?

17 MS. ROAM: Yes. That would be great.

18 (Wherein a video was played.)

19 MS. ROAM: Okay. I'm going to stop the video at  
20 29 seconds in. The image is very dark, but there appears  
21 to be some ambient lighting.

22 BY MS. ROAM:

23 Q What is it that we're look at in this video?

24 A The bathroom window.

25 Q Okay. And why are you filming the bathroom



1 window?

2 A Because he was trying to get in through the  
3 bathroom window.

4 MS. ROAM: I'm going to continue playing.

5 (Wherein a video was played.)

6 BY MS. ROAM:

7 Q Okay. When you're telling him to get out of your  
8 house, there's a sound of -- I don't know. What do we  
9 hear in the background?

10 A That's all the items that were in the windowsill  
11 'cause it's the shower bathroom window. He's throwing all  
12 this stuff on the windowsill at me.

13 Q Okay. He's throwing the items at you?

14 A Yeah.

15 Q Okay. And what are you telling him?

16 A I'm telling him to stop and get out of my house,  
17 and I'm threatening to call the cops.

18 Q Okay. Did you want him to come into your house?

19 A No.

20 MS. ROAM: Then I'm going to play image 783.

21 (Wherein a video was played.)

22 BY MS. ROAM:

23 Q When you're telling the Appellant to get out,  
24 where is he physically?

25 A He's outside of the house, but, like, his upper

1       body is, like, in the window. He's got, like, an arm in  
2       the window.

3           Q     Okay. And as he's there with his upper body and  
4       arm inside the window, how did you feel?

5           A     Frightened.

6           HEARING OFFICER SCULLY: Can I clarify?

7           MS. ROAM: Yes.

8           HEARING OFFICER SCULLY: She says his arm was in  
9       the window. So was his arm or was his whole upper body?  
10      His head? His chest? His shoulders?

11          THE WITNESS: It was more like -- I mean, it was  
12      here and then just his arm when he's pushing everything in  
13      or throwing everything off the shelf and at me. So I  
14      guess it would just be, I mean, arm.

15          HEARING OFFICER SCULLY: So his arm and his head  
16      was still outside?

17          THE WITNESS: Yeah.

18          HEARING OFFICER SCULLY: Okay.

19      BY MS. ROAM:

20          Q     Okay. And how did you feel about that? About  
21      his coming in your window or opening your window and  
22      talking to you there?

23          A     I was frightened, and I was annoyed.

24          Q     Okay. Did you call law enforcement?

25          A     No.

1           Q    Why?

2           A    Again, because I didn't want to get this  
3 Department involved. I didn't want him to lose his job.  
4 I didn't want any of -- again, I didn't want to any of  
5 this. I never wanted any of this. I don't want to be  
6 here now. I don't want him to be in the position he's in.  
7 I never wanted any of this. I wanted to be left alone,  
8 and I want to be able to move on with my life. That's it.

9           HEARING OFFICER SCULLY: Okay. This a good time  
10 for our afternoon break. So I have five after 3:00, and  
11 we'll take a 15-minute break. So feel free to get up,  
12 walk around, do whatever you'd like. Please return at  
13 3:20.

14           Off the record.

15                   (Pause in the proceedings.)

16           HEARING OFFICER SCULLY: Okay. Back on the  
17 record.

18           All right. [REDACTED], we're going to resume  
19 with your direct exam.

20           THE WITNESS: Yes, sir.

21 BY MS. ROAM:

22           Q    Okay. And I want to have you turn to Exhibit 19  
23 in the binder in front of you, page 9. Okay. Do you  
24 recognize this photo?

25           A    Yes.

1 Q Who took it?

2 A I did.

3 Q Why?

4 A Because it was parked at Universal -- it was  
5 parked at Universal Studios -- sorry -- and I was just  
6 doing just a normal patrol check of the parking lots, and  
7 I came across this vehicle.

8 Q Okay. Do you recall when this incident happened?

9 A No.

10 Q Can you give us an idea, timeframe-wise?

11 A It might have been in December, November,  
12 December.

13 Q Was it during that period of time that you were  
14 trying to break up with him?

15 A Yeah.

16 Q Okay. And so why was the fact his vehicle was  
17 parked in Universal's lot significant to you?

18 A Because he hadn't told me that he was going to be  
19 there. Usually, he goes to Universal, and he tells me in  
20 advance that he, you know, was either coming or on his way  
21 or was there. And I saw his vehicle, and I called him or  
22 I texted him. I called him and he didn't answer, so I  
23 texted him, "What are you doing?" And he texted me back  
24 saying that he was in the bathroom, that he wasn't feeling  
25 well.

1 Q Okay. And what happened next?

2 A I said, "Then why is your car parked here? Why  
3 is your car at Universal?"

4 Q What did he say?

5 A And he called me and laughed and said, "I know  
6 you saw my car. I saw you doing" -- "I saw you get out of  
7 your patrol car and look inside my car. I saw you there."

8 Q Okay. How did that make you feel?

9 A I just felt one, "Why are you here?" Two, "Why  
10 are you lying about where you're at right now?"

11 Q Okay. Did -- did you ever do anything to prevent  
12 the Appellant from contacting you -- from being able to  
13 contact you?

14 A After the incidents of the second break in in  
15 January, I -- or maybe it was maybe a month or so later I  
16 decided I would get a new cell phone, new carrier, new  
17 number.

18 Q Okay. Why did you do that?

19 A So that I couldn't be contacted by him anymore.

20 Q Okay. Was it significant that you get a new  
21 carrier?

22 A Yeah.

23 Q Why?

24 A Because I wasn't sure how he was able to -- so  
25 with my -- I had a Verizon account. And he was able to

1 recall conversations or not recall, but he'd tell me about  
2 conversations that I had with people. And I didn't know  
3 how he was able to know about these conversations if he  
4 wasn't, one, listening in. I -- I just felt like somehow  
5 my device had been compromised or bugged. I didn't -- I  
6 just wanted to get rid of the phone, get rid of the  
7 carrier, get rid of it altogether.

8 Q Okay. And did you change your phone number?

9 A Yeah.

10 Q Did you give your phone number to the Appellant?

11 A No.

12 Q Did you give your phone number to anyone?

13 A [REDACTED] had my number.

14 Q Okay. I assume other people had your number as  
15 well?

16 A Very few people had my number other than family.  
17 And at the time [REDACTED] and I were close friends, so she  
18 had my number.

19 Q Okay. Why did so few people have your number?

20 A I didn't trust anybody to not have my number to  
21 not give it to him.

22 Q Okay. Now, after changing your number, did the  
23 Appellant stop contacting you?

24 A For a very small period of time, and then I  
25 started receiving text messages on my new phone.

1           Q    Okay.  Who were the text messages -- just so  
2   we're clear.  You said you got a new phone in about  
3   February of 2015; is that correct?

4           A    Yeah.  It was, like, February or March.  It was  
5   around, you know, that timeframe.

6           Q    Okay.  Up until February had the Appellant still  
7   been calling you?

8           A    No.  He had stopped, like, contacting me after  
9   that incident because I -- after the incident where he  
10   tried breaking in and getting, you know, opening the  
11   window, my neighbors below me contacted my landlord.  They  
12   were upset with --

13           MR. GOLDFEDER:  Objection.  Hearsay.  Lacks  
14   foundation at this point.

15           MS. ROAM:  I think it goes to state of mind to  
16   explain what she did next.

17           HEARING OFFICER SCULLY:  Well --

18           MS. ROAM:  And what her neighbors --

19           HEARING OFFICER SCULLY:  -- why don't we just  
20   have her tell what she did next.  Does her state of mind  
21   need to be -- you know, you haven't asked her why she did  
22   it yet.  But I don't know what does this involve, you  
23   know.

24           BY MS. ROAM:

25           Q    After the January incident when the Appellant

1       tried to come in your window --

2               MR. GOLDFEDER:   In January of 2015 we're talking?

3       BY MS. ROAM:

4               Q    In January of 2015, did your landlord contact  
5       you?

6               A    Yes.

7               Q    What did your landlord tell you?

8               A    She told me that if an incident like that  
9       happened again, that she would ask me to leave.   That I  
10      would have to move out.

11              Q    Okay.   And so after your landlady told you that  
12      if an incident happened again like that, you would have to  
13      move out, did you say anything to the Appellant?

14              A    Yeah.   I called him.   We had a conversation.   He  
15      came over.   I asked him to come over, and I said, "You  
16      have to leave me alone.   This is over.   You cannot contact  
17      me anymore.   You cannot come here anymore.   I've been told  
18      by [REDACTED], the landlord, that if this happens again, I'm  
19      going to have to move out, and I don't have any other  
20      place to go.   And you can't be jeopardizing where I live."

21              Q    Okay.   After that conversation, did the Appellant  
22      stop contacting you?

23              A    Yeah.

24              Q    How long did that last?

25              A    It lasted until I started receiving text messages



1 on my new number.

2 Q Okay. The text messages that you received on the  
3 new number, do you know who sent those?

4 A I don't know who sent them. I just have my  
5 theories on who sent them.

6 Q Okay. On your new number, did you ever receive  
7 any text messages that you knew were from the Appellant?

8 A No.

9 Q Okay. Did you -- did you at any point ever call  
10 the Appellant and threaten to notify the Department that  
11 he had attempted to break in?

12 A I'm not sure I understand.

13 Q I'm not sure I understand either. So let me  
14 withdraw my question and try again.

15 A Okay.

16 Q Was there a text message that was sent to  
17 Sergeant [REDACTED]?

18 A Yes.

19 Q Okay. How did you learn about that text message?

20 A I was driving. No, I wasn't driving. I was a  
21 passenger in the vehicle with her significant other,  
22 [REDACTED]. And we were coming back from working  
23 overtime at Edelman's Children Court. We were headed back  
24 to Universal Studios to begin our shift there. And we  
25 received a phone call from Sylvia stating, you know, this

1 message, that she had received this message.

2 Q Okay. When you got that information, what did  
3 you do?

4 A When I got that information, I called Caren and I  
5 was -- he did -- I was really upset about it. I was very  
6 angry because, again, I had assumed it was coming from  
7 him. And I told him, "Leave me alone. Leave my partners  
8 alone. Leave everybody alone. This is crazy. You're  
9 crazy."

10 Q Okay. Did you tell him if he didn't leave you  
11 alone you were going to notify the Department?

12 A Yes.

13 Q Okay. And how would you characterize your tone  
14 in this conversation with him?

15 A I was angry. Super angry.

16 Q Okay. After having that conversation with him,  
17 do you know when that was? Do you know when you had that  
18 phone conversation or when this e-mail to [REDACTED] was sent?

19 A I don't know the date. I don't know the month.  
20 I just know that it was basically immediately after she  
21 called and was yelling at [REDACTED] about it -- [REDACTED]. I  
22 called him and said what I had said. "Leave my partners  
23 alone. Leave everybody out of it. Leave me alone. Stop  
24 texting people. You're crazy. This has to stop. If it  
25 doesn't, I'm going to have to get the Department

1 involved."

2 Q Okay. And after that conversation with him, did  
3 the text messages stop?

4 A The text messages to [REDACTED] or -- because I've  
5 kept receiving text messages.

6 Q Okay. You continued to receive text messages.  
7 Okay. At some point did you notify the Department of what  
8 was going on between you and the Appellant?

9 A Yes. Eventually, I did. Yes.

10 Q Okay. Do you know when that was?

11 A It was in June.

12 Q Okay. And why did you notify the Department?

13 A Because -- so it's going to be a lengthy  
14 response. So I -- I had gotten a phone -- or I had gotten  
15 a text message and -- around the same time, and I was just  
16 fed up with these text messages. And -- so I had been  
17 receiving messages for a while, and not that I liked them.  
18 Not that I knew they hold any truth, but it was only  
19 affecting me.

20 So I just deleted them and went about my life  
21 until it got to the point where now your texting my  
22 partners' spouses or, you know, it's -- so to me that was  
23 just the line was crossed. Now you're involving people  
24 that have nothing to do with our, you know, relationship.  
25 And so I had to make a decision at that point because this

1       wasn't ending. This wasn't stopping.

2               And so, again, I had attempted to call him. I  
3       had called him. I want to say it was Father's Day, and I  
4       asked him to come over, and I -- just to sit him down and  
5       try to rationally explain to him I am tired of these  
6       messages. I don't want you contacting me. I don't want  
7       you contacting my partners or their spouses. Please just  
8       leave everybody alone. Move on with your life.

9               It was my last attempt to get him to see the  
10      light, leave me alone. Now, you're jeopardizing your job,  
11      because it's one thing to text me. I don't want to go to  
12      the Department. You know, I feel like he'd been calling  
13      my bluff the entire time, but when you start doing this to  
14      other people, they're not. They don't care about you.

15              They never -- there was never that type of  
16      relationship. Whereas, even though it was over, I still  
17      cared in the fact of I didn't want him to get in trouble.  
18      I didn't want -- you know, it was a general care, I guess  
19      you could say. We had gone our separate ways. That was  
20      life, but I still didn't want him getting in trouble.

21              And when you start doing this to other people, it  
22      affects my relationship with my partners. And they're  
23      going to do what they need to do to protect themselves,  
24      and they're not going to put up with that type of  
25      bullying.

1           So I had invited him over, and that was my last  
2     please come to Jesus and realize that this has to end.  
3     This has to stop because I'm going to be forced to get the  
4     Department involved. It's something I don't want to do,  
5     but please just stop.

6           And he said, "I'm not sending you any messages.  
7     I'm not sending you any messages."

8           I said, "Well, it doesn't matter what you say at  
9     this point. I don't believe you. You're not going to  
10    change my mind. You're the only person that really cares  
11    to know what I'm doing with my life."

12          He said, "Well, I'm not sending you messages."

13          And I said, "Okay. That's fine."

14          He talked about -- or he asked, "Can't we just be  
15    friends?"

16          And I said, "Maybe one day we can be friends, but  
17    it won't be until I stop getting harassed. My partners  
18    stop getting harassed. And it'll be a period of them that  
19    goes by, and I will let you know."

20          And then right before he left he said one more  
21    thing. He said, "Who was that Mexican that was here the  
22    other day?"

23          And I said, "What are you talking about?"

24          He said, "Yeah. Who was he? He sounds like a  
25    chick when he's fucking you."

1           And I said, "Are you listening to me have sex  
2     with somebody else? Why are you -- what are you doing?"

3           And he said, "I have eyes and ears everywhere."

4           And I said, "You're sick. Get out of my house."

5           And shortly after -- he left. And then shortly  
6     after that was when I was contacted by [REDACTED], and she  
7     let me know -- she gave me a block of information and told  
8     me to contact [REDACTED]. So I contacted [REDACTED], and that's  
9     when everything kind of came into fruition that there  
10    was -- that I had a much bigger -- larger problem than I  
11    really realized.

12           He was actively stalking me, and that's kind of  
13    when I knew then that the only way this was going to stop  
14    was by getting the Department involved.

15           Q    Okay. When you said you realized he was actively  
16    stalking you -- let me strike that.

17                    During this conversation, you said on  
18    Father's Day. Was that June 21st of 2015?

19           A    If that was Father's Day then, yeah.

20           Q    Okay. And your purpose in this meeting with him  
21    was what?

22           A    To get him to stop bothering me and stop  
23    bothering my partners.

24           Q    Okay. Were you trying to keep things cordial  
25    between you two?

1           A    Yes, of course.

2           Q    Okay.  And when you confronted him about these  
3   text messages, did he ever tell you that he knew who was  
4   sending these?

5           A    No.

6           HEARING OFFICER SCULLY:  I think you  
7   mischaracterize.  She didn't say she confronted him about  
8   text messages.  She said she tried to get him to stop  
9   bothering her.

10          MS. ROAM:  Okay.  Just let me clarify.

11          HEARING OFFICER SCULLY:  Did you discuss text  
12   messages?

13          THE WITNESS:  Yes.  I said --

14          HEARING OFFICER SCULLY:  What was said?

15          THE WITNESS:  I told him he needed to stop  
16   texting me, and he needed to stop texting my partners.  
17   And he denied texting.  He said, "I'm not texting you."

18               And I said, "It doesn't matter what you tell me  
19   at this point.  I feel like you're the person behind these  
20   text messages because nobody else cares about what I do  
21   with my life.  Only you."

22          HEARING OFFICER SCULLY:  Okay.  All right.

23   BY MS. ROAM:

24          Q    When you told him that, did you -- did he tell  
25   you if he knew who had been sending you text messages?

1           A    No.

2           Q    These anonymous text messages?

3           A    No.

4           Q    During this conversation on June the 21st, did  
5 anything come up about Amazon?

6           A    Yes.  So well, he said, "Who are using all those  
7 condoms with?"

8                   And I said, "What are you talking about?"

9                   He said, "Oh, if I were to go and check your  
10 bedroom or your bathroom right now, I'm not going to find  
11 a bunch of condoms?"

12                   And the only place that I purchase condoms was on  
13 Amazon.  So I said, "What?  Are you looking into my Amazon  
14 account and my orders?"

15                   And he just laughed, and that's when he led into  
16 the, "Who was the Mexican that was here the other day?"

17           Q    Did he comment on any other items that you had  
18 purchased on amazon?

19           A    No, not to my recollection.

20           Q    Okay.  Now, during this conversation with the  
21 Appellant on June the 21st, did you brag to him about how  
22 many men you slept with?

23           A    No.

24           Q    Did you admit to him you had an affair with  
25           ?



1           A    No.

2           Q    Did you ever mention to him you were looking at  
3 property in Yucaipa?

4           A    Absolutely not.

5           Q    Okay. And does that have any significance to  
6 you, this suggestion that you talk to him about buying  
7 property in Yucaipa?

8           A    Yeah. It has a lot of significance.

9           Q    So tell me.

10          A    I didn't tell anybody where I was looking to  
11 purchase a home. Again, I didn't trust anybody. And I  
12 sure as heck didn't want him knowing where I was looking  
13 to purchase property. In fact, I told my partners that I  
14 was looking at property in Santa Clarita.

15          Q    Okay. When you left El Segundo, where did you  
16 move?

17          A    I moved to Yucaipa.

18          Q    Do you have any idea how the Appellant would know  
19 anything about Yucaipa?

20          A    No.

21          Q    How does that make you feel?

22          A    I feel threatened. I feel like I have -- my  
23 sense of security is completely gone.

24          Q    You mentioned that the Appellant made a comment  
25 to you, "Remember I have eyes and ears everywhere." Do

1       you recall that?

2           A     Yes.

3           Q     Is that something he had said to you before?

4           A     Yes.

5           Q     How frequently would he say that to you?

6           A     I don't know, half-a-dozen times.

7           Q     Okay. During this conversation with the  
8     Appellant, did you ever invite him to come back over and  
9     smoke Hookah with you?

10          A     No.

11          Q     Did you hug him at the end of this?

12          A     No.

13          Q     How did you feel about your relationship at this  
14     point?

15                HEARING OFFICER SCULLY: At what points is this?

16     BY MS. ROAM:

17           Q     At the conclusion of this meeting on June the  
18     21st. How did you -- what were your feelings towards the  
19     Appellant?

20                MR. GOLDFEDER: In 2015?

21                MS. ROAM: Yes.

22                THE WITNESS: My feelings were I was disgusted  
23     that he had sat outside my house or had done anything to  
24     listen to me have sex with somebody else. Disgusted.

25     BY MS. ROAM:

1           Q    Did you ever ask him to get you fireworks that  
2   you could take to the river?

3           A    No.

4           Q    And then sometime -- well, let me ask you this.  
5   In the exhibit binder in front of you, if you would turn  
6   to Department's Exhibit 6, please. Now, you testified  
7   about some anonymous text messages that you received on  
8   your new phone that you got in February of 2015. And if  
9   you could take a look at Exhibits 14, 15 -- I'm sorry.  
10   Exhibit 6, page -- starting at page 14. There are a  
11   series of photos of text messages I want you take a look  
12   at. Do -- I'm sorry.

13          A    Sorry.

14          Q    Do you recognize those photos?

15          A    Yes.

16          Q    And what are they?

17          A    They're text messages that I have received.

18          Q    Okay. And you provided these to [REDACTED] of  
19   the El Segundo Police Department; is that correct?

20          A    Yes.

21          Q    And you mentioned receiving anonymous text  
22   messages. Are these the text messages that you received?

23          A    These are some of them, yes.

24          Q    Okay. There were more than these?

25          A    Yeah, but I deleted them.

1           Q    Okay. Over what period of time did you -- and  
2           let me ask you this. The other text messages that you  
3           received were they from a similar textforfree.net app, or  
4           do you know?

5           A    Yeah. They were from a textforfree.net. This  
6           e-mail address or whatever this is. I don't know that  
7           it's an app. I've gotten text messages from this and have  
8           received messages from phone numbers that, if you were to  
9           call them back, they were not numbers in service.

10          Q    Okay. Can you give us an estimate of how many  
11          text messages you believe you received after you changed  
12          your phone in February of 2015?

13          A    I don't know.

14               MR. GOLDFEDER: Anonymous or any text messages?  
15          BY MS. ROAM:

16          Q    We're talking about these textforfree.net, no  
17          reply, text messages.

18          A    I can't give you, I mean, an estimate. It would  
19          be an estimated amount, like, 40 or 50.

20          Q    Okay. Do you know who [REDACTED] is?

21          A    Yes.

22          Q    And did you work with [REDACTED] at some point?

23          A    Yes.

24          Q    Where?

25          A    At Twin Towers.

1 Q When did you work with [REDACTED] at Twin Towers?

2 A I was assigned there from 2007. Then I think I  
3 left there in 2009.

4 Q Okay. During that time period were you friends  
5 with [REDACTED]?

6 A Yes.

7 Q At some point did you guys have a falling out?

8 A We had falling out when I began training at  
9 West Hollywood.

10 Q Okay. At some point did you and Gerline  
11 reconnect?

12 A Yes.

13 Q Okay. Tell me how that happened?

14 A It happened through this entire incident. She  
15 reached out to [REDACTED] who reached out to, you know, to  
16 me, to reach out to [REDACTED]. So I got ahold of [REDACTED]  
17 and said -- asked her, you know, "What's going on? What  
18 is it you need to tell me?"

19 And she told me that she has been in a  
20 relationship with Caren, and that he was obsessive and was  
21 always talking about me. And had -- I mean, she was just  
22 giving me information about, you know, letting me know  
23 that -- at one point she called and told me, "Are you at  
24 Rock and Brews with someone because Caren said he just saw  
25 you at Rock and Brews with another man."

1                   And I had said, "Yeah, I am."

2                   And so she had, you know, let me know that at  
3                   some point he had followed me. And we just kind of  
4                   reconnected from there. She told me, "You have a bigger  
5                   problem. You have a big problem. This guy is obsessed  
6                   with you, and all he ever talked about was you during the  
7                   course of our relationship. And I think you have an  
8                   issue. I think you have a problem."

9                   Q    Okay. So at some point you notified the  
10                  Sheriff's Department; is that correct?

11                 A    Yes.

12                 Q    And then after notifying the Sheriff's  
13                  Department, did you --

14                 HEARING OFFICER SCULLY: Can we clarify "notify  
15                  the Sheriff's Department"?

16                 MS. ROAM: Thank you. I'm so sorry.

17                 HEARING OFFICER SCULLY: What does that mean?

18                 MS. ROAM: Yes.

19                 BY MS. ROAM:

20                 Q    You notified the Sheriff's Department about this  
21                  relationship with the Appellant and the fact that you  
22                  believed you were being stalked by him; is that correct?

23                 A    Correct.

24                 Q    And that was on June the 23rd of 2015. Does that  
25                  sound right?

1           A    Yes.

2           Q    And after notifying the Sheriff's Department on  
3   June 23 of 2015, did you receive any more anonymous texts?

4           A    No.

5           Q    And after notifying the Sheriff's Department of  
6   this incident on June 23rd of 2015, did you subsequently  
7   notify El Segundo Police Department?

8           A    Yes.

9           Q    Okay.  Why did you notify the El Segundo Police  
10  Department?

11          A    It was at the advice of the Department -- the  
12  Sheriff's Department.

13          Q    Okay.  Was it your idea or your desire to file a  
14  criminal police report with El Segundo Police Department?

15          A    No.

16          Q    And when you filed the police report with  
17  El Segundo P.D., did you also get a domestic violence  
18  restraining order?

19          A    Yes.

20          Q    And was the Appellant served with a domestic  
21  violence restraining order?

22          A    Yes.

23          Q    What happened?  Did you go and get a permanent  
24  restraining order after that?

25          A    No.

1           Q    Why not?

2           A    Caren's counsel had called me and basically asked  
3   if we could just come to an agreement with a stay away  
4   order.  You know, a stay away, like, between him and I and  
5   the Department.  And I at the time thought that would be  
6   the best course of action because I didn't want him losing  
7   his job, and I knew with a permanent restraining order the  
8   Department would take his gun and badge.  And that would  
9   be that.

10               And the Department was his thing.  It was his  
11   life.  He loves his job -- loved his job, and I felt that  
12   without the job lingering in the background or thought  
13   getting it back, perhaps, that he would have nothing to  
14   lose.  And so I feared for my safety.  And if he had  
15   nothing to lose, like, he couldn't get his job back  
16   because he had a restraining order, what was going to  
17   happen to me?  And a stay away order provided me with  
18   enough time to collect my belongings, move out, and find  
19   another place to live.  And that would be that.

20           Q    Okay.  When you moved out of your El Segundo  
21   apartment, why did you move out?

22           A    Because he lived -- or he knew where I lived and  
23   I didn't want -- I wanted to be gone.  I was afraid of  
24   him.

25           Q    Okay.  Were you evicted?



1           A    No.

2                   MS. ROAM:  If I can have just a moment, please.

3                   HEARING OFFICER SCULLY:  Yes.

4   BY MS. ROAM:

5           Q    [REDACTED], you relayed a time when you became  
6   aware or you suspected that the Appellant was listening in  
7   on a conversation between you and your cousin using the  
8   surveillance camera.  Do you recall that testimony?

9           A    Yeah.

10          Q    Was there ever another time that you believed he  
11   was accessing your surveillance, without your permission,  
12   to keep eyes on you?  Are you aware of any other -- was  
13   there any other incident that ever happened that made you  
14   suspect that he was accessing your surveillance?

15          A    Yeah.

16          Q    Can you tell us about that.

17          A    So, again, one night I was on the phone with my  
18   cousin, and her and I were just talking.  I'd been at work  
19   that day.  Her and I were talking.  He was calling me.  I  
20   wasn't answering the phone.  I was on the phone with her,  
21   so I wasn't going to click over.  He was at work.  And  
22   then I took my conversation on the phone into my bedroom.  
23   And I was on the phone with her, laying on my bed, and I  
24   look up, and he was in my bedroom doorway.

25          Q    Okay.  What was it about that that made you

1 believe he had been accessing your surveillance?

2 A I mean, he knew that I was home.

3 Q Do you know how he got into your apartment?

4 A He walked through the door.

5 Q Okay. Was the door unlocked?

6 A I believe the door was unlocked. I had the  
7 windows open and the door open.

8 Q Okay. You testified he would commonly stay over  
9 at your apartment. Would he just come in and out at will  
10 when he stayed at your apartment?

11 A When he stayed at my apartment, yeah. That was  
12 during that month span when he had a key. He would come  
13 in and go. He would come and go.

14 Q So you just said that you were on your phone with  
15 your cousin and all of a sudden he's in the doorway. So  
16 what was it about that that was surprising to you?

17 A He was at work. So he came from work in his  
18 radio car, in uniform, and with his partner in the car  
19 downstairs. And he turned -- he had to have turned off  
20 his radio. He made no noise when he came in.

21 Q And what did he say? Why was it there?

22 A I looked up, and he said, "Get off the phone.

23 I said, "I've got to go. Caren is here." And I  
24 hung up the phone. I don't know why he was there. I  
25 wasn't answering my phone. That's why he was there.

1           Q   [REDACTED], let me ask you. During the time  
2           you were dating the Appellant, I assume he would  
3           frequently call you and that was part of your dating  
4           relationship; is that correct?

5           A   Yes.

6           Q   Okay. So those calls were not unwanted; is that  
7           correct?

8           A   Yeah.

9           Q   Okay. Was there a time when he was making calls  
10          to you that were unwanted, and you told him not to call  
11          you?

12          A   When his calling would become excessive, or if I  
13          was at work.

14          Q   Okay. When was that? I mean, over what period  
15          of time during this relationship? Was that over the  
16          course of your relationship, or was that during a  
17          particular --

18          A   No. I feel like it was over the course of the  
19          relationship, you know. Calls are welcomed, but all these  
20          excessive calls, berating call, of, "Who are you talking  
21          to, and what are you doing? What calls have you gotten?"  
22          That's unwanted calls.

23          Q   Okay.

24                HEARING OFFICER SCULLY: So can I just clarify  
25          something?

1 MS. ROAM: Please.

2 HEARING OFFICER SCULLY: So during this time --  
3 you started dating in December of 2013? No, no. It was  
4 December of 2012, right after you got off training?

5 THE WITNESS: Yes.

6 HEARING OFFICER SCULLY: And then, say, by  
7 roughly January of '15 you were done?

8 THE WITNESS: Yeah.

9 HEARING OFFICER SCULLY: In that time sometimes  
10 he called you and you were open to the calls. They were  
11 welcome. Other times they were unwelcome?

12 THE WITNESS: The only times that they would be  
13 unwelcome, would be when, you know, he's calling  
14 obsessively. And it's -- you're not calling me to have  
15 any general conversation about anything. You're calling  
16 me to berate me. You're calling to question who I'm  
17 talking to and what -- that type of calling is excessive  
18 and it's unwelcome.

19 HEARING OFFICER SCULLY: All right. Okay. So  
20 those are excessive and unwelcome. But then after that  
21 you'd get other calls that were welcomed?

22 THE WITNESS: Like, if it was a phone call that  
23 had to -- yeah. I mean, for instance, a conversation of,  
24 "Hi. How's it going? How's your day going? What, you  
25 know, time are you getting off?" You know, general normal

1       conversations. But when it is excessive, those are  
2       unwelcome calls.

3               HEARING OFFICER SCULLY: Did you tell him they  
4       were unwelcome during those calls?

5               THE WITNESS: I would tell him, "Stop calling  
6       me."

7               HEARING OFFICER SCULLY: And then what happened?

8               THE WITNESS: He would continue to call.

9               HEARING OFFICER SCULLY: But you continued dating  
10      even up to January of '15 because you were looking for the  
11      opportune moment to make a clean break?

12              THE WITNESS: Yes.

13              HEARING OFFICER SCULLY: I'm not trying to pry  
14      into your personal business, but when I say "continue  
15      dating," you mean you continued to have an intimate  
16      relationship with him?

17              THE WITNESS: Yes.

18              HEARING OFFICER SCULLY: Okay. All right.

19              MS. ROAM: All right. I have no further  
20      questions.

21              HEARING OFFICER SCULLY: All right. Okay. It's  
22      almost 4:00.

23              Mr. Goldfeder, do you want to start your  
24      cross-exam now, or would you rather -- because we're going  
25      to have to cut it off after 30 minutes. I don't know if

1       you want to reserve. You know, do you want to start now,  
2       but you're going to be cut off after 30 minutes. Or do  
3       you want to wait where you're going to have an  
4       unrestricted block of time to do your cross.

5               MR. GOLDFEDER: I'd offer continuity. I just  
6       pick up, cross-exam for whatever we get for the next date.  
7       I've got another witness out there I can probably get on  
8       and off here for the 30 minutes. Then we can figure out  
9       whatever future dates we want, if that's agreeable with  
10      you and the Department.

11             HEARING OFFICER SCULLY: Is that all right with  
12      you, Sergeant Roam?

13             MS. ROAM: I would prefer not to take a witness  
14      out of order in the middle of [REDACTED] testimony.

15             HEARING OFFICER SCULLY: Well, the problem is her  
16      cross-exam is going to be at least an hour,  
17      hour-and-a-half, two hours maybe. And so rather than  
18      have -- only give counsel the chance to start it, and it's  
19      going to be stopped shortly, it's probably more efficient  
20      to get another witness completely out of the way who  
21      doesn't have to come back.

22             I don't really see its -- I mean, [REDACTED]  
23      has to come back no matter what. So I think that -- I  
24      know attorneys, when they do cross-examination, would  
25      rather not be interrupted right as they're getting started

1       because it involves certain rhythm and certain, you know,  
2       continuity that is interrupted if we have to end in  
3       30 minutes.

4               So I would be inclined to think that's a  
5       reasonable request. We've taken a couple of witnesses out  
6       of order already. I don't have a problem with it because  
7       I, you know, it's all going to be considered at the end.

8               MR. GOLDFEDER: If the Department doesn't want to  
9       do it, I'm just looking at continuity and trying to be  
10      mindful of everybody else's time constraints here. I've  
11      got a person out there that's been there for several  
12      hours. But if the Department doesn't want to do it and  
13      wants to bring him back and extend the appearance time, I  
14      don't see a purposeful need for that. But I'm not going  
15      to sit here and twist anyone's arm to do something they  
16      don't want to do when we have a lot of time left.

17              MS. ROAM: That's fine. It's fine.

18              HEARING OFFICER SCULLY: Fine to go ahead with  
19      the witness?

20              MS. ROAM: Absolutely.

21              HEARING OFFICER SCULLY: Okay. So what we're  
22      going to do, [REDACTED], is we're going to have to give  
23      Mr. Goldfeder a chance to cross-examine you to ask his  
24      questions. That's probably going to take a couple of  
25      hours. Then after that, the Department may have some more

1 questions an it'll be another -- briefly -- but, you know,  
2 both counsel may have several more questions. So we're  
3 going to let you go for the today and have to ask you to  
4 come back.

5 We don't have a date yet, but we're going to have  
6 to ask you to come back and that date may not be for a  
7 month or two. We don't really know yet. So we'll let you  
8 know. The Department -- Sergeant Roam will let you know.

9 THE WITNESS: Okay.

10 HEARING OFFICER SCULLY: Then when you come back,  
11 you can finish up your examination; all right?

12 THE WITNESS: Yes, sir.

13 HEARING OFFICER SCULLY: Thank you very much for  
14 coming in.

15 And, Mr. Goldfeder, you want to bring your  
16 witness in?

17 MR. GOLDFEDER: Yes. Thank you.

18 (Pause in the proceedings.)

19 HEARING OFFICER SCULLY: Good afternoon, sir.  
20 Sir, would you raise your right hand, please.

21 [REDACTED],  
22 produced as a witness, and having been first duly sworn by  
23 the Hearing Officer, was examined and testified as  
24 follows:  
25



1 THE WITNESS: Yes, sir.

2 HEARING OFFICER SCULLY: Thank you. Have a seat.  
3 State and spell your name for the court reporter, please.

4 THE WITNESS: [REDACTED], [REDACTED],  
5 [REDACTED], [REDACTED].

6 HEARING OFFICER SCULLY: All right. This is  
7 going to be Appellant's witness that's being taken out of  
8 order. So that means the direct will be Mr. Goldfeder.

9 Please go ahead, sir.

10 MR. GOLDFEDER: Thank you, Your Honor.

11

12 DIRECT EXAMINATION

13 BY MR. GOLDFEDER:

14 Q Good afternoon, [REDACTED].

15 A Good afternoon, sir.

16 Q What's your current employment?

17 A Deputy Sheriff the with the Los Angeles County  
18 Sheriff's Department, and I'm currently assigned to  
19 personnel administration under the Military and Veterans  
20 Unit.

21 Q That's the facility over there in that office  
22 building in Monterey Park?

23 A Yes, sir.

24 Q Okay. And how long have you been a deputy  
25 sheriff?

1           A    It'll be just a little under 12 years.

2           Q    And could you just give us a brief rundown of  
3 your Departmental history, starting with your academy?

4           A    Yes, sir. I started the academy in 2005. I  
5 graduated from the academy on time. I went to custody  
6 where I was assigned to Men's Central Jail. Actually, I  
7 did a month at North Facility, and then I was assigned to  
8 Men's Central Jail. After four-and-a-half years, I was  
9 assigned to Lennox patrol, which then turned to South L.A.  
10 And last year in August is when I transferred to personnel  
11 under my current unit.

12          Q    And do you know Deputy Caren Mandoyan?

13          A    Yes, sir.

14          Q    Is that the gentleman in the room here?

15          A    Yes, sir.

16          Q    Okay. How do you know Deputy Caren Mandoyan?

17          A    We worked together at South L.A. Station.

18          Q    And what timeframe did you work with him at  
19 South L.A. Station?

20          A    If I had to remember correctly, 2012 till the  
21 time he left. I think it was 2012.

22          Q    Now, did you work together with him on the same  
23 shift?

24          A    No.

25          Q    At any point in time, did you work overtime

1 assignments with him over at South Station?

2 A Yes, sir.

3 Q And were there occasions whereby you would  
4 socialize with Deputy Mandoyan?

5 A Yes, sir.

6 Q Okay. Can you describe those for me?

7 A We went out a few times, just he and I, to --  
8 either in my area -- at the time I lived in Hollywood.  
9 And I think in the Glendale area we might have hung out,  
10 and then Universal City Walk.

11 Q And where did you hang out when you went over to  
12 Universal City Walk with Deputy Mandoyan?

13 A We last went to the Saddle Ranch Bar and Grill.

14 Q Do you remember approximately when the last time  
15 you went to the Saddle Ranch Bar and Grill at City Walk  
16 would have been?

17 A I couldn't tell you a date, but it's been a  
18 while. I would say a little over a year, maybe two years.

19 Q And that's up at Universal City Walk?

20 A Yes, sir.

21 Q Okay. If you can do me a favor, that binder in  
22 front of you, if you could turn to tab marked 19. And  
23 then within that group of pages there's an exhibit on  
24 page 9. It would be 9 pages into the exhibit. Do you  
25 recognize what's depicted in Exhibit 19 on page 9?

1           A    Yes.  It looks like Mandoyan's car.

2           Q    Okay.  And what kind of car did Deputy Mandoyan  
3           drive back in the timeframe that the two of you would have  
4           been going out on social occasions together?

5           A    I remember it was a red car.  Lexus I think it  
6           is, if I remember correctly.

7           Q    Does it look like Deputy Mandoyan's car to you  
8           that you remember seeing and driving?

9           A    Yes, sir.

10          Q    Okay.  Do you know where this picture was taken?

11          A    No, sir.

12          Q    Okay.  Did you take this picture?

13          A    No, sir.

14          Q    Okay.  The last occasion you went with  
15          Deputy Mandoyan to the Saddle Ranch Bar and Restaurant at  
16          Universal City Walk, was anyone else there within your  
17          party besides the two of you?

18          A    As in when we arrived together?  We hung out  
19          together?

20          Q    Correct.  I mean, was it, you know, several  
21          people that were supposed to be meeting up there, or is it  
22          just the two of you?

23          A    Just the two of us.

24          Q    Okay.  And how did that event come about?

25          A    We talked about going out one night at work, and

1 we're both very busy. At least at the time we were very  
2 busy. So we really didn't get a chance to hang out often,  
3 but just talked about it at work and went out.

4 Q And do you know Deputy Sheriff [REDACTED] is?

5 A I met her that night that we last hung out.

6 Q That's over at the Saddle Ranch Bar and  
7 Restaurant?

8 A Not at the restaurant but in the parking lot.

9 Q Okay. Can you describe that interaction with  
10 Deputy Sheriff [REDACTED] that night at the parking lot  
11 of the Saddle Ranch Bar and Restaurant?

12 A Yes, sir. After Caren and I went to the Saddle  
13 Ranch, he had asked me, "Hey, you want to meet my  
14 girlfriend?" Naturally I agreed. She was actually  
15 attending -- I'm sorry -- in-service. She was working  
16 that night at Universal City Walk. We hung out for, I  
17 would say, maybe 45 minutes to an hour there in the  
18 parking lot.

19 Q Did he she have a radio car, or was she just out  
20 on foot patrol?

21 A You know, what, I remember seeing her on foot.  
22 She might have had a radio car. I don't recall if she  
23 drove there or if she walked towards us.

24 Q Had you yourself worked overtime or any other  
25 period over at Universal City Walk?

1           A    No, sir.

2           Q    Okay.  So during this 45-minute interaction, were  
3 all three of you engaged in conversation?

4           A    Yes, sir.

5           Q    Okay.  Did Deputy [REDACTED] appear to be  
6 frightened of Deputy Mandoyan?

7           A    No, sir.

8           Q    Okay.  Could you describe her demeanor as she was  
9 interacting with Deputy Mandoyan in your presence on that  
10 evening?

11          A    She's actually a very friendly person.  She was  
12 respectful towards me.  No -- just like any normal person  
13 of being friends with Caren.  I mean, there was no  
14 indication of anything bad, really.  I mean, she was nice  
15 towards me.  I didn't realize there was any issues going  
16 on between them.

17          Q    Was there any animosity that you were able to  
18 observe during that interaction?

19          A    Not at all.

20          Q    And when you had met [REDACTED], was  
21 that initiated by Deputy Mandoyan calling or texting her?  
22 How did that meeting come about?

23          A    I imagine he texted her because he asked me if I  
24 wanted to meet his girlfriend.  I said yes.  So I imagine  
25 he texted her.  I didn't really pay attention if he was

1 directly contacting her. I speculate that's how he  
2 communicated with her.

3 Q Do you have any recollection of how long you and  
4 Deputy Mandoyan were spending at the Saddle Ranch Bar and  
5 Restaurant before Deputy Sheriff [REDACTED] came over to  
6 the parking lot area?

7 A Not exact time. If I had to guess, maybe  
8 30 minutes to an hour before.

9 Q Had you had dinner over there?

10 A No.

11 Q Just met there for drinks, that type of thing?

12 A Yes, sir.

13 Q Okay. How many other occasions had you been over  
14 to that -- let's say City Walk area with Deputy Mandoyan  
15 other than this particular occasion?

16 A Just that one time.

17 Q Okay. Whose suggestion was it to go over to the  
18 Universal lot area?

19 A You know what, I think both of us. We had talked  
20 about going there because we -- some of our partners had  
21 gone there on several occasions. We had talked about  
22 specific places where it seemed like a relatively safe  
23 place for deputies to hang out. So I couldn't tell you  
24 exactly who suggested it. It could have been me, or it  
25 could have been Caren. I don't remember.

1           Q    And you're both off duty wearing civilian  
2 clothes?

3           A    Yes, sir.

4           Q    When you said, "It was a safe place for deputy  
5 sheriffs to hang out," what do you mean by that?

6           A    Meaning it's a law enforcement friendly  
7 environment because it is patrolled by deputies. It's a  
8 place where we don't really have to worry about, you know,  
9 running into a bad crowd or anything of that nature.

10          Q    Are there concerns as a deputy sheriff that you  
11 could possibly run into somebody you might have arrested  
12 or have had some kind of encounter with on the job, even  
13 though you're on off duty someplace?

14          A    I think that's the case 100 percent of the time.  
15 You just never know. It's unpredictable.

16          Q    Was there ever any Departmental guidelines or  
17 directives off duty, you know, deputy sheriffs are not  
18 allowed to be near Universal City Walk area?

19          A    Not to my knowledge.

20          Q    Okay. Did anybody come to you from the  
21 Department and indicate that you're not allowed to be here  
22 if you're a deputy sheriff?

23          A    No, sir.

24          Q    Okay. So you're treated just like anyone else in  
25 the public. You're free to go whatever you want to?



1           A    Yes, sir.

2           Q    And the fact that sheriffs patrol that area, that  
3 gives you more of a sense of comfort to be in that type of  
4 environment?

5           A    Yes, sir.

6           Q    How many times had you gone there on your own,  
7 since you live in the Hollywood area? I believe Universal  
8 City Walk is part of the Hollywood area.

9           A    Well, I don't live there anymore. However, I  
10 couldn't tell a number. I've gone there countless times.

11          Q    Okay. So it wasn't as if this is a brand new  
12 place that you've never been before?

13          A    No, sir.

14          Q    Okay. Anything else that you remember on that  
15 evening about the encounter with

16 Deputy Sheriff [REDACTED] in the parking lot for 45  
17 minutes?

18          A    Nothing. Nothing of significance that stands  
19 out.

20          Q    Do you remember approximately the time when this  
21 particular, you know, little get-together took place? If  
22 you could give me any kind of, you know, month or year?

23          A    No, sir. To be quite honest, I don't remember.

24          Q    Okay. That's fine. We don't want you to guess.  
25 But at the conclusion of this 45-minute interaction with

1       yourself, Deputy Mandoyan, and Deputy Sheriff [REDACTED]

2       how did the little encounter conclude?

3           A     Just gave a friendly farewell, and we were on our  
4       way.  Nothing of significance stood out that I remember.

5           Q     Did you notice if Deputy Mandoyan, you know,  
6       hugged her, she hugged him, or did they kiss, or did they  
7       just wave goodbye?

8           A     I think I remember a hug.  I couldn't tell you.  
9       I'm kind of a private person that way.  So if I saw that  
10      they were going to say goodbye, I would have naturally  
11      turned away.  If I had to guess, I'd say a hug goodbye.

12          Q     Anything else remarkable about that evening that  
13      you can recall at this particular time?

14          A     No, sir.

15          Q     And did you and Deputy Mandoyan drive up there in  
16      your own separate cars?

17          A     No, sir.  I was a passenger in Mandoyan's  
18      vehicle.

19          Q     Okay.  Did he come pick you up, or did you drive  
20      to his house and get in his car?

21          A     No.  He picked me up at my place.

22          Q     Where you were living in Hollywood at that time?

23          A     Yes, sir.

24          Q     So it would have been easy for -- strike that.

25                Do you remember at that point in time where

1 Deputy Mandoyan lived?

2 A I believe it was El Segundo, but I hadn't been  
3 there.

4 Q Okay. Had you ever been to his house or  
5 residence in El Segundo before?

6 A No, sir.

7 Q Okay. And just from a logistical perspective  
8 here, would it made any sense for you to drive down to  
9 El Segundo to drive up with Deputy Mandoyan to go to  
10 Universal City Walk in the Hollywood area close by where  
11 you live?

12 A Absolutely not. The drive from my previous  
13 residence to Universal may be a 5 to 10-minute drive, if  
14 that.

15 Q Okay. At any point in time, do you remember if  
16 Deputy Sheriff [REDACTED] received any types of calls  
17 for service or anything on her, you know, sheriff radio?

18 A Not that I could recall, or not that I paid  
19 attention.

20 Q Okay. Did you have any impression that  
21 Deputy Mandoyan in any way shape or form was keeping her  
22 from doing her job duties as a deputy sheriff?

23 A No, sir.

24 Q Did you ever have any opportunity to listen in on  
25 any conversation with Deputy Sheriff [REDACTED] and

1 Deputy Mandoyan during that 45 minutes?

2 A Yes, sir.

3 Q Was anything discussed in relation to, you know,  
4 work?

5 A Not that I can remember. If anything, maybe some  
6 friendly banter between stations but nothing -- nothing  
7 that sticks out in my mind.

8 Q What do you mean by "friendly banter between  
9 stations"?

10 A You know, friendly banter meaning deputy, you  
11 know, assigned to a certain station. A deputy is assigned  
12 to this station and call volumes and how busy it could be,  
13 that kind of thing, you know. Some stations are busier  
14 than others. Universal not being a very busy area to  
15 work. So that kind of interaction.

16 Q Are you familiar with the term "reaper"?

17 A Yes, sir.

18 Q What is that?

19 A It's a death symbol.

20 Q Okay. Is that a little moniker that some  
21 individuals at certain stations, you know, would have  
22 utilized on T-shirt or tattoos or other little  
23 memorabilia?

24 A T-shirts, yes, sir.

25 Q Okay. And what station would that reaper

1 signify?

2 A From Lennox and/or South L.A.

3 Q Okay. And are there other insignias and monikers  
4 for other stations on the sheriff's department?

5 A I'm pretty sure all if not most, have some sort  
6 of insignia.

7 Q Okay. Any that you're aware of where you worked?  
8 If you had a T-shirt from Century Station, for example,  
9 what the moniker would be for over there?

10 A I know theirs is -- that's because I've seen it  
11 on T-shirts. It's a skeleton with a cowboy hat.

12 Q Okay. But all stations have some type of little  
13 moniker that is something they put on T-shirts or tattoos,  
14 pins or on, you know, little pins or belt buckles, things  
15 of that nature?

16 A Yes, sir. It's very common.

17 MR. GOLDFEDER: Okay. I have nothing further.

18 HEARING OFFICER SCULLY: Okay. Thank you. Okay.

19 Cross exam.

20 MS. ROAM: Thank you.

21

22 CROSS-EXAMINATION

23 BY MS. ROAM:

24 Q Good afternoon, [REDACTED].

25 A Good afternoon, Sergeant.

1           Q    Thanks for hanging around all day.

2           A    No worries.

3           Q    Now, just so that the record is clear. You have  
4 no idea -- do you have a year? Can you tell us what year  
5 this get-together with the Appellant took place at Saddle  
6 Ranch?

7           A    To be fair, do you want me to guess? Because I  
8 really don't --

9           Q    No. I don't want you to guess. I want your best  
10 estimate, if you have one. And if you don't, that's fine.

11          A    I really don't, ma'am. I'd be giving false  
12 information.

13          Q    Okay. And do you have any idea how frequently  
14 the Appellant would go to Universal City Walk?

15          A    No, ma'am.

16          Q    And the photo of the Appellant's car that was  
17 taken, do you have any reason to believe that this photo  
18 was taken on the night that you and the Appellant were  
19 together at Saddle Ranch?

20          A    No. No, I don't. By who?

21          Q    That's why I'm asking. When you look at that  
22 photo, does that ring a bell?

23          A    There would be no reason for anybody, really, to  
24 take a picture of that.

25          Q    Okay. And would you say that deputies from

1 South L.A. have a lot of station pride?

2 A Yes.

3 Q And consider themselves to be hard-working  
4 deputies?

5 A Yes, ma'am.

6 Q Sometimes put other stations down because they  
7 don't work as hard as South L.A.?

8 A In what sense, ma'am?

9 Q Just bragging rights in terms of working, you  
10 know, South L.A. Station. It's busier than other  
11 stations.

12 A I would call that friendly banter. That's what I  
13 refer to that. I wouldn't -- maybe I'm a hopeful person,  
14 but I believe that deputies respect each other. Yeah,  
15 there's going to be friendly banter between stations.  
16 That's just natural. Station pride exists, I think, in  
17 almost all, if not, almost all stations. No matter what  
18 walk of life you take, that's just a deputy's nature.

19 Q Okay. And you know that the Appellant used to  
20 work at West Hollywood; is that correct?

21 A Yes.

22 Q Did you ever hear the Appellant bad mouth West  
23 Hollywood station?

24 A No.

25 Q He never said that they didn't do anything there?

1       They didn't produce much work at West Hollywood?

2           A    I remember him saying that it's not as busy as  
3       South L.A.

4           Q    Okay.  Now, you testified on direct about what  
5       you understand a reaper to be?

6           A    Yes.

7           Q    You've heard reaper to be the name of a clique  
8       that's specifically associated with South L.A. station;  
9       isn't that correct?

10          A    The T-shirts that we wear, I know they have.

11          Q    Okay.  Do you know -- did the Appellant ever  
12       claim to you to be a reaper?

13          A    No, ma'am.

14          Q    Do you know whether or not the Appellant has a  
15       tattoo -- a station tattoo?

16          A    Yes, ma'am.

17          Q    Okay.  And the station tattoos, are they  
18       numbered?

19          A    I don't know.

20          Q    Do you have a reaper tattoo?

21          A    No, ma'am.

22          Q    Okay.  Are you a reaper?

23          A    No, ma'am.

24          Q    And why not?

25          A    Last I checked I was a name that's associated



1 with getting a tattoo of a reaper.

2 Q Okay. Do these Department cliques have a  
3 negative connotation on the Department?

4 A Yeah. From what -- as the media has put out,  
5 yes.

6 Q Okay. And why is that?

7 A Because of the image that it puts out. Like I  
8 said earlier, testifying that skulls are a common theme,  
9 from what I understand. And from what I gather, just like  
10 everybody else is that a skull is looked at like a  
11 negative image.

12 Q Okay. Do you know whether in order to be a  
13 reaper you have to be invited or sponsored into the group?

14 A I have no idea how that process works.

15 Q Do you have any idea whether reapers look out for  
16 each other?

17 A I don't know anything about that world, ma'am.

18 Q Has anyone ever asked you to get a reaper tattoo?

19 A No, ma'am.

20 Q Has anyone ever invited you to be a reaper?

21 A No, ma'am.

22 MS. ROAM: Okay. I think that's all I have.

23 Okay. You know what, if I could. I'm sorry.

24 HEARING OFFICER SCULLY: Sure.

25 ///

1 BY MS. ROAM:

2 Q [REDACTED], do you know why the Appellant was  
3 discharged from the Department?

4 A I don't know the details, ma'am. I know just  
5 know by word of mouth is that there was an allegation made  
6 against him from his ex.

7 Q Okay. Has the Appellant discussed this with you?

8 A No.

9 Q Has he said anything to you about [REDACTED]?

10 A Not from prior to this discharge of his  
11 employment. Before that, yes, because he talked highly of  
12 her. She was his girlfriend.

13 Q Okay. Have you ever heard him talk negatively  
14 about her?

15 A Yes. Negative in what sense?

16 Q Well, you just said prior to this discipline that  
17 he always spoke highly of her. So when is the last time  
18 you spoke to the Appellant?

19 A Well, it was a month ago with regards to, "Hey,  
20 you're going to be getting a subpoena."

21 Q Okay. And prior to that, when had you spoken to  
22 him?

23 A I couldn't tell you when. It's been a while.

24 Q Okay. When did the Appellant say something  
25 negative about [REDACTED] to you?

1           A     If I had to recall correctly, it was around the  
2     time that I had met her. And, again, I think it was about  
3     different work ethic. You know, again, work ethic. It  
4     came down to work ethic. It was nothing that stands out  
5     in my mind.

6           MS. ROAM:   Okay. All right. That's all I have.

7           HEARING OFFICER SCULLY:   That's all? This  
8     photograph that you -- I think your book is still open.

9           THE WITNESS:   Yes, sir.

10          HEARING OFFICER SCULLY:   Department's Exhibit 19,  
11     page 9. Was this the car that you drove in that night to  
12     City Walk?

13          THE WITNESS:   I imagine it is, sir.

14          HEARING OFFICER SCULLY:   Well, I don't --

15          THE WITNESS:   I want to be fair. I would say yes  
16     because it looks exactly like the vehicle that I drove in,  
17     but I don't know who took this photograph. I don't know  
18     where this photograph came from. You know, if someone  
19     took a picture of a red Lexus and said, "Hey, is this  
20     Caren's car?" I would say, "Sure, but I don't know if  
21     this is it."

22          HEARING OFFICER SCULLY:   All right. Fair enough.  
23     So the car you drove in was a red Lexus?

24          THE WITNESS:   Yes, sir.

25          HEARING OFFICER SCULLY:   Late model red Lexus.

1       Okay.  That's what I wanted to confirm.  Any other  
2       questions?

3

4                               REDIRECT EXAMINATION

5       BY MR. GOLDFEDER:

6               Q     At South Station, Lennox Station, you back up  
7       partners.  Is that for all calls and, you know, work  
8       together as a unit?

9               A     Yes, sir.

10              Q     Okay.  Prior to coming onto the Department, did  
11     you have any military experience?

12              A     Yes, sir.

13              Q     Which branch?

14              A     United States Marine Corp.

15              Q     Okay.  Tattoos in the United States Marine Corp  
16     that you're aware of?

17              A     Yes, sir.

18              Q     Any connotations with those, you know, various  
19     Marine Corp tattoos that you're aware of?

20              A     Connotations in what sense, sir?

21              Q     Well, let's say if somebody is working, you know,  
22     Marine Corp recon, they you might have a tattoo.  Or  
23     someone is working in infantry, they may have a  
24     Marine Corp tattoo?

25              A     Yes, sir.

1           Q    During the course in time you were in the Corp,  
2   did you have occasion to see marines with various types of  
3   Marine Corp tattoos?

4           A    Yes, sir, including myself.

5           Q    Okay.  And I don't want to get into personal  
6   invasion of your privacy as far as your tattoo, but is  
7   there anything that you find or found to be offensive  
8   about tattoos showing pride in the military units when you  
9   were in the Corp?

10          A    No, sir.

11               MR. GOLDFEDER:  Okay.  Nothing further.

12               MS. ROAM:  All right.  Department has nothing.

13               HEARING OFFICER SCULLY:  Okay.  In that case  
14   thank you, [REDACTED] -- [REDACTED], sorry.  And  
15   you're free to go.  We appreciate your cooperation.  I  
16   think you did wait around here all day, so I really  
17   appreciate your patience.

18               THE WITNESS:  No worries.  I understand how these  
19   things go.

20               MR. GOLDFEDER:  And I apologize.

21               THE WITNESS:  You all have a good afternoon.

22               HEARING OFFICER SCULLY:  Okay.  All right.  So we  
23   will -- anything else business-wise to take care of on the  
24   record?

25               MR. GOLDFEDER:  Other than just dates.  We can do

1       that off the record.

2               HEARING OFFICER SCULLY:   Okay.   Then let's go  
3       off.   We'll adjourn for the day.

4               Off the record.

5               (Pceedings adjourned at 4:30 p.m.)

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HEARING REPORTER'S CERTIFICATE

I, Lynne M. Alonzo, Hearing Reporter in and for  
the State of California, do hereby certify:

That the foregoing transcript of proceedings was  
taken before me at the time and place set forth, that the  
testimony and proceedings were reported stenographically  
by me and later transcribed by computer-aided  
transcription under my direction and supervision, that the  
foregoing is a true record of the testimony and  
proceedings taken at that time.

I further certify that I am in no way interested  
in the outcome of said action.

I have hereunto subscribed my name this 21st day  
of August, 2017.

---

LYNNE M. ALONZO  
HEARING REPORTER

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